

This booklet deals, in detail, with matters related to marriage from the time of puberty to the upbringing of children in the light of the Quran and Hadith. Insha-Allah, by applying these guidelines, our marriages and family relationships will definitely improve.

By Moulana Zahier Ragie

# KITABUN NIKAH

عَنْ عَبْدِ اللَّهِ بْنِ مَسْعُودٍ رَضِيَ اللَّهُ عَنْهُ قَالَ قَالَ  
رَسُولُ اللَّهِ ﷺ يُمْعَنِّشَرُ الشَّبَابِ مَنِ اسْتَطَاعَ مِنْكُمْ  
الْبَاءَةَ فَلِيَتَرُوْجْ فَإِنَّهُ أَغَصُّ لِلْبَصَرِ وَأَحْسَنُ لِلْفَرْجِ  
وَمَنْ لَمْ يَسْتَطِعْ فَعَلَيْهِ بِالصَّوْمِ فَإِنَّهُ لَهُ وِجَاءُ

It is related from Hazrat Abdullah Ibn Mas'ud Radhiyallahu Anhu that Rasulullah Salallahu Alayhi Wasallam said: "O group of youths! Let him marry who amongst you is able to have sexual intercourse, and most certainly it greatly prevents the eyesight (from immoral acts) and protects the private parts. And whoso is not able, he should keep fast; and verily it is (as if he had performed) castration for him."

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ  
نَحْمَدُهُ وَنَصْلِي عَلَى رَسُولِهِ الْكَرِيمِ

## INTRODUCTION

Nikah is a great Ibaadat in Islam. Nable-e-Karlem Sallallahu Alayhi Wasallam has referred to it as half of one's faith. Adam Alayhis Salaam was with all the pleasures in Jannah but was still in need of something that he felt missing. Allah blessed him with Hawwaa Alayhas Salaam whereby he now found complete solace.

Allah Tabaarak Wa Ta'aalaa says

رَبِّنَا أَنْتَ خَلَقْتَنَا مِنْ أَنفُسِنَا فَإِذَا  
رَأَيْنَاكَ مَوَدَّةً وَرَحْمَةً

*And of His signs is that He created for you from yourselves partners to find solace in them and He made between you love and mercy*

So we find that the objects of nikah are solace in partners and also love and mercy between the couple in each other, granted by Allah.

All this makes it clear that the institution of nikah in Islam is most practical, sublime, an Ibaadat and to crown it all a sunnah of Rasulullah Sallallaahu alaihi wa sallam.

Further it is also clear that nikah is that beautiful institution which makes the solitary lives of two people a partnership in a garden of Jannah. It gives solace and comfort to two people in the hearts of each other, it brings into existence beautiful children who become the apple of the

eyes of the parents. It stabilises society and guarantees well-being for the community.

Nikah is all this and much more. It is an Ibaadat. The sweet moments husband and wife spend together are more rewarding than Nafil Ibaadat. It is an Ibaadat that leads through to Jannah. There too husband and wife will be partners unto each other.

What an institution! What a gift from Allah!

But, alas, just because of not being informed or being ill-informed about nikah and its related issues, in some cases it turns out so bitter leaving behind enmity and sorrow between families and children bereft of parental love and care, who in some cases become problems for society.

All the agony and sorrow of a bitter marriage can, in most cases, be avoided by becoming properly informed about nikah and related matters.

Admittedly it was difficult for young people to acquaint themselves with the true facts, duties and related matters of nikah, husband and wife, father and mother, in-laws, etc.

At the most, only in rare cases were Ulama contacted for guidance. In some cases the parents shed some light on the matter, which unfortunately in most cases was based on ignorance, mere custom or personal benefits - not forgetting the old ladies' (grannies) fancy tales. In other cases most of the information was gathered from friends and self-made ideologies. Some read up western literature on the matter.

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رَجَلٌ يَتَكَبَّرُ مَوْدَةً وَرَحْمَةً

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The great harm of all this is glaring. Whatever the case and cause...

May Allah Tabaarak Wa Ta'aalaa give great stages and full rewards to Hadhrat Moulana Muhammed Ebrahim Palanpuri Saheb for compiling this most valuable, simplified, useful and practical guide which deals with marriage and related matters from beginning to end. It has become the basis for true Islamic unions and homes.

There was yet another problem - It was in Urdu. The English speaking Muslims were still at a loss in this direction.

May Allah Ta'aalaa fully reward Moulana Zaheer Ragie Saheb, who translated the kitaab into English and made necessary amendments and additions for Muslims living in western environments.

This kitaab is a must for prospective spouses and also for married people, young and old - not merely to possess or read but to study thoroughly with the intention of putting it into practice.

May Allah fully reward the author and the translator and make it a means for every nikah to be that beautiful institution as ordained by Allah and taught by Nabie-e-Kariem sallalaahu alaihi wa sallam. Aamien

Moulana Abdul Hamid Ishaq

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

#### PUBERTY:

According to Shariat when a person attains puberty he/she is said to have become baaligh.

A boy is said to be baaligh (matured) if he experiences any of the following:

- He enjoys intercourse in his dream and seminal fluid is discharged.
- He is able to make a woman pregnant.

The girl is said to be baaligh (matured) if she experiences any of the following:

- A monthly period (haiz-menstruation)
- She enjoys intercourse in her dream (and seminal fluid is discharged).
- She becomes pregnant.

If the above signs are not evident, but he/she reaches the age of 15 years, he/she will be regarded as having reached the age of puberty. N.B. only lunar months and years are taken into consideration in Islamic matters. On reaching the age of puberty all the principles of Islam such as Salaat, Roza, etc. becomes Fardh (obligatory). If he/she disobeys or neglects any of these then he/she becomes a sinner.

#### THE DESIRES OF ADOLESCENCE:

In Arabic there is a saying الشَّابُ شُفَعَةٌ مِّنَ الْجُنُونِ adolescence is a branch of insanity. This is a very dangerous stage of a growing child: he gets attracted to passion, and the environment and society in which he is growing begins to lead him in different directions. Today western society has become so permissive that it lets the individual damage morally,

socially and even materially the interest of society and does not feel anything at all against it. These factors lead to sexual anarchy and obscenity that endanger the social system.

#### **PROTECTION OF PURITY:**

As the object of Islamic law is to keep the social environment as pure as possible from all kinds of sexual excitement and stimulation it has allowed satisfaction of the sexual urge only in marriage and all relations outside marriage are unlawful. In order to strengthen the social systems, Islam has provided some effective safeguards.

#### **SELF PURIFICATION**

This is in fact the basis of the Islamic way of life - Muslims are educated and trained so that they automatically obey the spirit of Islamic law. Those who believe in Allah, the Quran and Rasulullah *Sallallahu Alayhi Wasallam* and the day of Judgement, follow the laws of the Shariat merely for the pleasure and fear of Allah. When a believer knows that Allah dislikes obscenity and indecency, he will, if he is a practising Muslim, abstain from indulging in all such acts and will keep his life absolutely pure and chaste. Islam provides moral education to its followers to help them attain the required standard of purity and chastity.

#### **“HAYA” (BASHFULNESS AND SHYNESS)**

This is the force which builds up modesty and prevents a believer from falling prey to all urges of obscenity and indecency. It protects him from all evils prohibited by Islam, including adultery. The moral teachings of Islam are intended to awaken this dormant, but very powerful feeling of shyness in human nature and this shows how to develop it and strengthen it so as to make it part of one's mental attitude. Rasulullah *Sallallahu Alayhi Wasallam* is reported

to have said: “Every religion has morality and the morality of Islam is “haya”.”

The quality of haya is strengthened by moral education so that it can detect even the slightest inclination of the mind towards evil and sin.

#### **UNSEEN DESIRES**

In the eyes of Islamic law not only physical union between the two sexes is considered adultery, but every such inclination and desire towards a member of the opposite sex outside marriage is equivalent to adultery. Thus every lustful desire when seeing women, talking to them and visiting them is adultery for these are preliminary steps towards it and if men are given the opportunity, the actual act of adultery is likely to occur. The law cannot have any jurisdiction over desire, for it is hidden in people's hearts, but it can be detected by their conscience. The Holy Prophet *Sallallahu Alayhi Wasallam* explained this in these words: Eyes commit adultery and their adultery is evil looks. Hands commit adultery and their adultery is violence, feet commit adultery and their adultery is moving towards sin, the adultery of the tongue is lustful talk, the adultery of the heart is evil desire and, in the end the sexual organs confirm all this (by their action).

#### **SEXUAL LOOKS**

The sexual and evil look is the worst of all evils in this respect because it lights the fire for the actual sexual explosion. Therefore, the Quran and the Sunnah have pointed strongly to this evil and restrained it.

The Quran says:

قُلْ لِلْمُؤْمِنِينَ يَعْصُمُوا مِنْ أَبْصَارِهِمْ وَيَخْفَظُوا فُرُوجَهُمْ ، ذَلِكَ

إِنَّ اللَّهَ خَيْرٌ بِمَا يَصْنَعُونَ

*"Tell the believing men to restrain their eyes (from looking at other women) and guard their modesty. This is a pure way for them, surely Allah knows well what they do."*

Rasulullah *Sallallahu Alayhi Wasallam* said: "Your first (unintentional) look is pardonable, but beware that you do not cast a second look."

### **DESIRE TO DISPLAY**

Another grave evil, which is very common among women, is the desire to display beauty and adornments. It is very subtle and apparently unnoticeable, but it often finds expression in pleasing. The Quran calls it *Tabarruji Jahiliyyat* (display of ignorance). All display of beauty and decorations to please people other than the husband is called display of ignorance. It is very difficult to hide such manifestations on the part of women, because these tendencies spring from the woman's heart and only they can detect the desires of the heart. The Quran says:

وَلَا يَرْجِنَّ بَرْجَ الْجَاهِلَةِ الْأُولَى

*"And do not go about displaying your adornments as women used to do in the days of ignorance."*

### **THE VOICE:**

Woman's voice is also very dangerous and can play havoc in the heart of a person. An innocent talk between young persons can serve as a prelude to an evil action. The Quran warns against this evil in these words: "If you fear Allah, do not talk in a soft voice, lest the man of unhealthy heart should cherish false hopes from you; if you have to speak (to other men), speak in an unaffected way."

### **USE OF PERFUME:**

Perfume is another factor which may act as a messenger between two evil persons. This is the finest and most subtle means of communication between two persons of the opposite sex. That is why Islam does not permit a woman to wear perfumed dresses when going out of the house, for it may spread about and cause emotional stimulation.

### **NUDITY:**

Islam has taught and developed such a fine sense of modesty among its followers that has no parallel in human history. For Muslim women and men, covering their satar (shameful parts) is more important than mere decoration. In Islam nudity is considered indecent and obscene and can never be tolerated. Not only this, Islam does not approve of husband and wife exposing their private parts openly before each other. The Holy Prophet *Sallallahu Alayhi Wasallam* said: "When one of you goes to his wife, he should mind his private parts. They should not both strip their clothes off their bodies and become naked." According to Aisha *Radhiallahu Anhu* she never saw the Holy Prophet *Sallallahu Alayhi Wasallam* naked. The fact is that Islamic modesty does not approve of one stripping naked even when alone in a room, for Allah Ta'ala has a greater right that one should observe Haya before him.

Islam also disapproves of dress which shows the body and reveals the shameful parts.

To sum up, the moral teachings of Islam are to create a strong feeling of haya in the inner self of man (or woman) with a view to enabling him to censor the doings of his self and to eradicate by his own will even the slightest inclination towards evil.

## PREVENTIVE MEASURES:

The purpose of these preventive measures is to create a social environment which is totally unfavourable for the growth of evil desires and emotional disturbances. These measures are intended to weaken those factors that lead to sexual anarchy and eradicate all forms of obscenity that endanger the social system. The following measures are enjoined for this purpose:

1. Islam has forbidden all forms of indecency and nudity and enjoined decent dress for all members of society.
2. Islam has also clearly specified the parts of the body which must be covered by all members of the Islamic society.
3. Rules of entrance. In order to keep the system pure from permissive Western influence, Islam has enjoined all its males to refrain from entering the house or rooms without alerting the female occupants:-
  - a. When your children attain puberty, they should ask leave before entering. This permission becomes necessary when children feel and come to know of the secrets of sex.
  - b. O! Muslims, you are also forbidden to enter houses other than your own until you have received permission, and when you enter the house greet the people therein with salutations. Thus people are taught to respect other people's privacy and to enter their houses only after receiving their permission.
  - c. When you ask a woman for something or for an article, ask for it from behind a curtain. This is a

purer way for your hearts.

Acting against sexual inclination and excitement by keeping the two sexes apart explains the whole philosophy of this regulation.

4. Men are not allowed to stay with women other than their own wives in privacy, nor are they permitted to touch any part of their bodies, no matter how close the relationship is. Rasulullah *Sallallahu Alayhi Wasallam* said: "Beware that you do not call on women in privacy". He also said, "I do not take the hand of a woman. Verbal agreement is enough".
5. Shun music - Undoubtedly music and especially the music of the modern age has a strong tendency to excite the sexual passions and these in turn find immoral outlets. Islam, in all fairness, forbids all types of music.
6. Stay away from cinema. It is an admitted fact that most of the moral and social evils stem from the following:
  - a. Free intermingling of sexes
  - b. Immodest and scanty dressing
  - c. Co-education
  - d. Music, dancing and television
  - e. Alcoholism and drugs
  - f. Illicit literature, pornography
  - g. Courting before marriage
  - h. Pre-marital sex

There is no denying the fact that these evils are given birth and nourished to a large extent by the cinema which revolves around free love - whereas morality is an indispen-

sable requirement for the healthy growth of society from the animal stage to the level of human perfection. However modern man is prone to confuse entertainment with immorality. May Allah Ta'ala save us from the pits of vice, lust and immorality to which the western world has sunk.

### ZINA - SLIPPERY PATH TO HELL

Chastity is a great virtue in a man or a woman - a chaste woman is great asset to a husband and a chaste husband to a woman - Unchastity in any form has been made unlawful by the Quran.

Of all the passions eye, ear, tongue, belly and genital organs -sexual passion is the greatest.

Perhaps no sin is more rampant today than zina (fornication and adultery). We have already examined the root of this wide-spread evil. Due to the strong thrust of western morality it would now be worthwhile to quote some ahadith which may serve as a deterrent against this abomination.

1. I (i.e. Rasulullah *Sallallahu Alayhi Wasallam*) swear by Allah there is nothing which Allah so condemns as his male and female servant committing adultery.
2. An act of fornication obliterates seventy years of worship.
3. Rasulullah *Sallallahu Alayhi Wasallam* said avoid fornication because it has six bad qualities; of these three are experienced in this world:
  - a. Light and brightness vanishes from the faces of the adulterers;
  - b. It brings in its wake poverty and famine;
  - c. The span of life gets reduced.

The three experienced in the Hereafter are:

- a. Allah subjects the adulterers to His anger;
- b. They will be subjected to strict reckoning on the Day of Judgement;
- c. They will be cast to hell.

Fornication is morally the most heinous crime that a person can commit. The one who commits it in fact proves that his humanity has been overwhelmed by his animality and he is not fit to live as a virtuous member of the human society. The Quran condemns this abominable act which ruins families, destroyed household peace and strikes at the roots of pure and pious living, and prescribes exemplary punishment for it:

وَلَا تَقْرِبُوا الزِّنَا إِنَّهُ كَانَ فَاحِشَةً

"And come not near unto adultery. Lo! it is an evil way"

الْزَانِيْهُ وَالْزَانِيْ فَاجْلِدُوْا كُلَّ وَاحِدٍ مِّنْهُمَا مِائَةَ جَلْدَهُ  
وَلَا تَأْخُذْ كُمْ بِهِمَا رَأْفَةً فِي دِينِ اللَّهِ إِنْ كُنْتُمْ ثُوَمْنُونَ بِاللَّهِ وَالْيَوْمِ  
الْآخِرِ

"The adulteress and the adulterer, scourge you each one of them with a hundred stripes. And let not pity withhold you from obedience to all if you believe in Allah and the Last Day".

Islam has restricted sexual relationship to matrimony. It has advocated marriage and discouraged a life of celibacy. The normal and natural way of life for a Muslim is to get married and raise a family:- this is the only course open for a Muslim, to satisfy his natural instinct of sex through conjugal relationship.

## PHILOSOPHY AND WISDOM OF MARRIAGE

Islam considers marriage a social obligation. It is an act which is greatly admired by Allah and recommended by his Messengers *Alayhimus Salaatu Wassalaam*. It is the natural relationship between man and woman, as the Quran has explicitly stated in these words: "Glory to Allah Who created in pairs all things that the earth produces as well as their own human kind". In another Ayat it is said: "That He created in pairs - male and female from a seed when lodged (in its place)"

All these verses of the Quran relate to the mystery of sexual life: "All things are created in pairs, each sex performs its proper function and yet its wonderful working is part of the creative process of Allah."

The first objective of the Islamic law of marriage is that it protects the morals of the people. Islam forbids adultery and fornication. It compels both man and woman to discipline their natural desires in a way that protects them from indecency. That is why the Quran mentions the marriage contract (nikah) by the word of "Ihsan". The man who contracts a marriage is Muhsin and the woman who marries him is a Muhsinah. In other words they build a fortress in the form of marriage to protect their morals. This is an objective for which every other motive can be sacrificed but which itself cannot be sacrificed for any other objective.

The second objective of marriage is that the relationship between the sexes should be based on a mutual co-operation of love, mercy and kindness for each other, so that they may also enjoy that comfort, pleasure, peace and happiness the attainment of which is vital for a clean and happy society.

A deep study of the Quranic verses relating to marital relations shows that the purpose and idea of matrimony is love, mercy and kindness. The Quran mentions this in these words: "Among His signs is that He created mates for you from among yourselves that you may find rest in them and He has put love and mercy between your hearts".

## THE CORRECT TIME FOR MARRIAGE

By nature man does not live alone - he cannot live alone. In fact he is destined not to live alone. Even Hazrat Adam *Alayhis Salaam*, when he was created, was not left to live alone. The Holy Quran says: "O men fear Allah Who has created you out of one soul and out of that He created his spouse and from them both has multiplied man and woman in great numbers."

The Quran indicates that in these ties of love and compassion, as are ingrained in both the spouses, lie the Islamic ideal of marriage. For it provides not only a means of multiplying the human race but it also saves the married couple from frittering away their time and energies in rival activities and contributes considerably to their spiritual advancement. From this and also other injunctions we gather that marriage is a sacred duty.

Rasulullah *Sallallahu Alayhi Wasallam* has said: "When he attains maturity let him be married. If he attains maturity, and his father does not get him married then he commits a sin, his sin will fall upon his father".

When a parent feels that his children are of marriageable age and can bear the responsibilities of a family, he should get them married. The age may vary in different individuals. But the average age for a boy will be approximately 20 and in the girl approximately 17.

## MARRIAGE IS ENCOURAGED

In view of the great importance and excellence of marriage young boys and girls are encouraged to get married as soon as they attain the age of puberty. The Quran mentions this in these words: "Arrange marriages between the single man and woman among you...who are virtuous. If they be poor Allah will provide means for them out of his bounty and those that cannot find a mate should keep themselves chaste, till Allah provides for them with means out of his grace."

The object of this is that Muslims should ensure that none in society remains unmarried - and people of the house, friends and neighbours all should take necessary interest in the matter. This instruction is firstly for the parents of both the girl and the boy. The former should not reject a pious and virtuous suitor merely because he happens to be poor. Similarly, the boy's parents should not go on postponing his marriage because he is not yet earning enough. Even if one's income is not yet sufficient, one should marry with firm faith in Allah - very often the marriage itself becomes the cause of improving strained circumstances.

Rasulullah *Sallallahu Alayhi Wasallam* also encouraged young men to get married in the following traditions:-

1. "O young men, who amongst you can afford to get married, should marry - for this will be a means of restraining the eyes from casting the evil look and keeping one pure and chaste."
2. After fear of Allah, a believer gains nothing better for himself than a good wife.
3. Hazrat Jabir *Radhiallahu Anhu* reported that

Rasulullah *Sallallahu Alayhi Wasallam* saw a woman, and so he came to his wife, Hazrat Zainab *Radhiallahu Anha* (and she was tanning leather). He had sexual relations with her. He then went to his companions and told them: "The woman advances and returns in the shape of a devil, so when one of you sees a woman he should come to his wife, for that will repel what he feels in his heart." (Muslim)

This shows how Rasulullah *Sallallahu Alayhi Wasallam* tried to protect his companions and the Muslims at large from the monster of sexual urge by advising them to marry and satisfy their sexual desire through the normal, lawful way. And whenever there is an extra pressure on them because of sexual motivation, they should at once try to quench their urge in a lawful way. This approach to the problem is sure to make individual lives pure and chaste, leading to the establishment of a pure and chaste society and civilisation on earth.

## MANNER AND REQUIREMENTS OF MARRIAGE

Once a boy becomes of age then the preferable way to get him married is firstly to know his opinion about marriage. If he declines to give his opinion, then through his friends his inner feelings should be determined. If the girl in whom he has an interest becomes known, then the parents of the boy should look at the general condition and piety of both the girl and her family. If these are favourable to an Islamic code of life then the marriage should be accomplished.

### 1. CONSENT:

One of the primary and fundamental factors of a happy and successful marriage is that it be contracted with mutual consent and agreement. If the boy or girl have not given their consent and are tied in marriage by force, then the

seeds of dispute and dissension are sown in their marriage. Such a marriage is neither lawful in the sight of Allah nor conducive to the happiness and pleasure of the married couple. It is, therefore, absolutely necessary and vital that the couple to be married must be consulted and their willing consent obtained before their marriage. This is a law of the Shariat which is most appropriate and reasonable in respecting the person's integrity and honour of the woman, and this is the best way to preserve and develop happy and peaceful relationships in a family.

## 2. KAFA'AT (EQUALITY, COMPATIBILITY, SUITABILITY)

The Islamic law has taken into consideration the question of compatibility and suitability between a man and a woman before contracting their marriage. The Shariat commands and approves that Kafa'at (equality) between the two parties should be kept in mind and at the time of the marriage, that man and woman who are close or equal to each other in respect of their morals, education, religious inclination, family ways and connections, culture and ways of living are more likely to develop a relation of affection, kindness and love.

If the girl in whom the boy is interested falls under the above law of equality the marriage should be accomplished. However, if the parents perceive mischief on the part of the boy that he wants to get married to someone who won't suit him, then it is compulsory for the parents to impress on his mind the benefits and advantages of marrying under the law of equality.

Here it may be pointed out that the importance of Kafa'at (equality) in the Islamic Shariah has significances as mentioned above, and may not be taken as a mark of distinctions for some families and disgrace for others. It simply

means that the boy and girl who are to marry should be equal in their social status, otherwise any Muslim can marry any Muslim woman leaving aside the forbidden categories. It is a simple fact that for the success of married life it is necessary that there be maximum possible co-ordination, conformity and similarity of habits, qualities, manner of life, family traditions and social and economic circumstances between the partners so that they may be able to live together and maintain their relations cordially and peacefully. This is the real object of Kafa'at and not because the one belongs to a noble and honourable family and the other to a low and degraded one.

Allah knows who is honoured and who is low and disgraced. The important thing is status and honour in the sight of Allah and not wordly honour. All humans are equal in His sight. They will gain honour in His sight through their good and virtuous actions and not through their worldly positions.

## 3. SEEING EACH OTHER:

This is another requirement of a marriage for it helps in establishing and developing love and affection between the married couple. Hazrat Jabir Radhiallahu Anhu reported Rasulullah Sallallahu Alayhi Wasallam as saying "When one of you seeks to marry a woman and if he is able to have a look at the one he desires to marry, let him do so."

Although in the instance quoted above only the man is asked to see the woman, Muslim scholars and jurists agree that a woman has an equal and similar right to see the man. Some scholars have gone to the extent of saying that if there is a third person present they are allowed to speak to each other on condition that their intentions are clear and for marriage purposes only.

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Marriage is a very serious matter and a life-long partnership. It should not be taken lightly and settled in the dark. Correct information of the girl can, also, be obtained through trustworthy persons. Care should, however, be taken that it does not cause annoyance or inconvenience to the girl or her family, and better still if it is done without their knowledge. It is stated in Abu Dawood on the authority of Hazrat Jabir *Radhiallahu Anhu* that Rasulullah *Sallallahu Alayhi Wasallam* said: "When one of you seeks a woman in marriage, if by looking at her he is induced to marry her, he should do so." He (Jabir *Radhiallahu Anhu*) said: "I asked a girl in marriage, I used to look at her secretly, until I looked at what induced me to marry her. I, therefore, married her."

The foremost qualification of the bride is as the Holy Quran says "marry such woman as seen good to you." It appears therefrom that the bridegroom should exercise greatest caution and consideration. The following points should be considered in **making the correct choice**

Abu Hurairah *Radhiallahu Anhu* reports Rasulullah *Sallallahu Alayhi Wasallam* as saying: "A woman may be married for four reasons: for her wealth, her status, her beauty and her piety. So try to get one who is religious and prosper." Rasulullah *Sallallahu Alayhi Wasallam* exhorts his followers to make religious piety the first criterion of choice of woman. And there is no denying the fact that if a Muslim acquires piety and abstinence, it is mostly due to a virtuous wife who in the words of Rasulullah *Sallallahu Alayhi Wasallam* again is: "The best object of benefit of the world."

If careful thought is given, then it becomes clear that the first three things, in reality, can become a means of misfortune for a person. For example beauty, is a quality which attracts the heart, but on the other hand beauty is transitory. It is a guest for a while which eventually fades away with the elapsing of time. Another point to consider is that if only beauty is sought for, it can become a source of pride for the wife. Will it be possible for the husband to tolerate the pride and arrogance of the wife? Another disadvantage is that her beauty is also admired by others. It must not happen that other people cause misfortune to the marriage. In addition, as you are a lover of beauty she also loves beauty. It must not happen that while you love her she hates you. While you are prepared to sacrifice everything for her, she plans to remain aloof from you. Can such a marriage yield happiness? Therefore, Rasulullah *Sallallahu Alayhi Wasallam* disliked that only beauty be sought for. However, if beauty is found with piety there can be no better benefit in this world. Others give importance to wealth and riches. They believe that in wealth and riches lie honour. Remember my friends, wealth is more transitory than beauty. Will her family allow her to come with the family's wealth and if it comes, is it mainly enough on your part, being the head, to have your mouth flavoured with riches and wealth of your wife?

If she is of a wealthy family her demands and requests will be of that standard. It is clear that the quota of an elephant conforms to its size. How is it possible that a rich girl will become satisfied on your simple bread? Consequently, grief and sorrow will become an everyday affair. For this reason intelligent people have rightly said that the wife should be less wealthier than the husband in order for the wife to be thankful and appreciative for the favours of the husband.

1. Conclusively, it is clear that if there exists no piety, then generally wealth, beauty and noble lineage hold no worth. In addition, in a situation where there exists no piety the chastity and modesty of a woman is in danger. Chastity and modesty is after all the hallmark of a woman. Therefore, the most important thing to seek in a girl is piety.
2. The girl should be somewhat learned. She should have a sound knowledge of deen. She should not be ignorant.
3. She should also be acquainted with managing household work.
4. The age of the girl should be somewhat less than that of the boy. For a young boy, a virgin girl is more suitable so that in accordance with the saying of the hadith a lot of love and affection will be created between the two.
5. The girl should be healthy. She should not be afflicted with a fatal or everlasting disease.

These points should also be kept in mind by the girl's family. Now if the intention for proposing is made, then accordingly one should make wudhu (ablution) and perform four Rakaats of Nafl Namaaz. The first two should be made with the intention of Salaatul Hajaat (seeking Allah's help) and the other two with the intention of Salaatul Istikhaarah (seeking Allah's guidance). In these two Namaazes the relevant Duas which appear in the hadith should be read. Thereafter, one should make Dua that Allah blesses one with a good and pious companion and, furthermore, Allah through His unseen means, completes one's desire. (If Duas are made on various occasions of getting married then, Insha-Allah, it will prove to be very beneficial). For pro-

posing there is no special or prescribed method. This is only an agreement between the parents of the boy and the girl. The agreement can be concluded by verbal discussion or through correspondence or through any other means.

The acceptance of a proposal is a type of agreement and promise. As far as possible this agreement should be upheld and accomplished. Otherwise there will be a breach of trust which is detestable in Islam.

Thereafter, the date of the Nikah should be set. The sooner the Nikah the better and more advantageous it will be for the couple-to-be and the families. Care should be taken that until the Nikah is performed the boy and the girl are regarded as strangers in the eyes of the Shariat. It will, therefore, not be lawful for them to meet and go around together. In setting the date for the Nikah one should abstain from wrong customs which are prevalent. Then in accordance with the date set for the Nikah in the presence of relatives and friends and with complete simplicity the Nikah should be performed. Care should also be taken that one proposal should not be made upon another. It is narrated by Abu Hurairah *Radhiallahu Anhu* that Rasulullah *Sallallahu Alayhi Wasallam* said: "No one should make a proposal of marriage against the proposal of his brother (until he weds or the offer is withdrawn)".

#### **THE REQUIREMENTS OF MARRIAGE**

Verily every deed is according to the intention made for it. Nikah is a Sunnat, so, the better a person's intention the more reward will he receive and it should be remembered that in one deed several intentions can be made. For each intention a separate reward will be received. At the time of Nikah the following intentions can be made:

1. To get married is a Sunnat of Rasulullah *Sallallahu Alayhi Wasallam*. If a person practises on a Sunnat he will be rewarded.
2. By Nikah a person saves himself from committing sin (immoral deeds).
3. By means of Nikah, a person's lust is kept under control. His thoughts are controlled and his eyes are saved from looking at indecent scenes.
4. A married man receives more reward for his Ibadah (worship) in comparison to an unmarried man. An intention can be made that one will receive more reward.
5. Allah Ta'ala will by means of Nikah bless one with pious children.
6. Through Nikah the children born will be a means of addition to the Ummat of Rasulullah *Sallallahu Alayhi Wasallam*.
7. Allah Ta'ala will bless the couple with such children who will strive for Islam. In this way the Ummat will benefit and in addition the children will become a means of the parents' entry into Jannat and a means of their salvation from hell.

In brief, the following are the necessary conditions and requirements that should be fulfilled in every marriage between a Muslim man and a Muslim woman because in the eyes of Allah it is a legal contract with certain conditions and requirements which must be fulfilled.

#### PUBLICITY

Marriage is a declaration by the marrying couple, that they have united in wedlock and that they want the public to know this fact about them in order that they may in future be treated as such for all social purposes. Rasulullah *Sallallahu Alayhi Wasallam* strongly urged his companions to publicise their marriages and at least to have two witnesses. To publicise a marriage means that it should be performed in public (among relatives and friends) gathered at the time of the marriage ceremony. However indecent and luxurious amusements are against the practice of Rasulullah *Sallallahu Alayhi Wasallam* and the spirit of the teaching of Islam. A quite noble and chaste way of declaring a marriage is that the Nikah be performed in a Masjid after a Fardh Namaaz. It is most preferable to perform the Nikah on a Friday after the Asr Namaaz. In this way the blessing of the place as well as the time can be attained. It is very much liked if some Ulema and pious people are gathered for the Nikah, so that their Duas can also be included. The Nikah should be performed by an Aalim or pious person.

#### WITNESSES

The Islamic law requires that a marriage cannot be contracted without the presence of at least two male witnesses or one male and two females. They must be sane, adult Muslims. Evidence is an essential condition of marriage. Rasulullah *Sallallahu Alayhi Wasallam* condemned marriages without witnesses. According to Ibn Abbas *Radhiyallahu Anhu* Rasulullah *Sallallahu Alayhi Wasallam* said: "Adulteresses are those who marry themselves without evidence." All the companions of Rasulullah *Sallallahu Alayhi Wasallam* were of the opinion that without the two witnesses a marriage ceremony is void.

Thus the Nikah should not be made secretly. The difference between Nikah (marriage) and adultery is that fornication is committed secretly while marriage is done openly.

#### DOWRY (MAHR)

Another thing which forms part of the marriage contract is the Mahr (Dowry) given by the husband to his wife at the time of the marriage ceremony. It is enjoined by the Islamic law in the following words: "And give them their dowry willingly to women (as an obligation) but if they, of their own, remit a portion of the dowry, you may enjoy it with pleasure". Rasulullah *Sallallahu Alayhi Wasallam* explained the payment of dowries and their amount in many Ahadith, but there are no hard rules regarding the amount of Mahr in the Qur'an and Sunnah. The actual amount is determined by the social and financial position of the man and the wish of the bride. "Allah, does not burden any human being with a responsibility heavier than he can bear". Rasulullah *Sallallahu Alayhi Wasallam* said: "The marriage which produces the most blessings is that which involves the least burden". This shows that no unnecessary difficulties should be created in respect of marriage. The parents of the girl should not demand anything beyond the financial and social position of the husband nor the parents of the boy anything beyond the resources of the girl's family. No extra burden in the form of loan for the marriage ceremony should be created. This is unnecessary and Islam does not require this sort of marriage in which gifts or feasts create great burden and inconvenience for the families of the married couple.

#### THE SERMON OF MARRIAGE

A sermon is delivered before the Nikah or, as one would say, the proceedings of the marriage begin with it. This is a Sunnah of Rasulullah *Sallallahu Alayhi Wasallam*. These

days it too has been reduced to a mere formality, otherwise it includes a complete code of conduct for the couple.

#### FELICITATION AND PRAYER

Various forms of felicitations, on the occasion of marriage are current in the world. Rasulullah *Sallallahu Alayhi Wasallam*, however, has taught a formula which is more in the nature of a prayer for the happiness and well-being of the couple.

Abu Hurairah *Radhiallahu Anhu* relates that when Rasulullah *Sallallahu Alayhi Wasallam* congratulated anyone on his marriage he would say:

بَارَكَ اللَّهُ فِيْكُمَا وَجَمِعَ بَيْنَكُمَا بِخَيْرٍ وَأَخْرَجَ مِنْكُمُ الطَّيْبَ

*May Allah bless you and bestow His favour on you and keep you united for ever in goodness and welfare and may He make everything good for you.*

In another tradition Rasulullah *Sallallahu Alayhi Wasallam* says: "Whoever marries a woman should make the following prayer

اللَّهُمَّ أَيُّ اسْتَلِكَ مِنْ خَيْرِهَا وَخَيْرٌ مَا فِيهَا وَخَيْرٌ مَا جَلَّتْهَا  
عَلَيْهِ وَأَعُوذُ بِكَ مِنْ شَرِّهَا وَشَرٌّ مَا فِيهَا وَشَرٌّ مَا جَلَّتْهَا عَلَيْهِ

*"Oh Allah I beseech Thee for The goodness and virtue Thou has blessed her with and embedded in her nature. Favour me with it, and I beg Thee refuge from her wickedness and the vice in her nature. Protect me from it".*

The simpler the marriage the more blessed it is. It is related by Hazrat Aisha *Radhiallahu Anha* that Rasulullah *Sallallahu Alayhi Wasallam* said: "That marriage is most blessed which is the least burdensome". This is obviously

not a mere statement of fact, but also an exhortation to the ummat to keep the marriages as simple as possible. In that case the marriage will prove a blessing and not a burden.

### THE FIRST NIGHT:

When the newly wed couple come into their bedroom, firstly Salaam should be made

السَّلَامُ عَلَيْكُمْ وَرَحْمَةُ اللهِ وَبَرَكَاتُهُ

Then the right hand should be kept on the forehead of the wife and the following Dua should be read:

اللَّهُمَّ إِنِّي أَسْأَلُكَ مِنْ حَيْرَهَا وَخَيْرِ مَا فِيهَا وَخَيْرٌ مَا جَبَلْتَهَا  
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Then after making wudhu, two Rak'aats Salaatul Haajat must be performed, and Dua be made for a good and happy life that Allah bestow them (the couple) with good and pious children.

Then they should engage themselves in some Deeni talk showing importance to the obedience of Allah's commands and, through wisdom and tact, become more free and open in the discussion, trying to discover each other's temperament. As sexual inclinations vary with every individual, the bride and the bridegroom will have to display patience with each other. Sexual union on the first night of marriage is not the most important thing between the couple. Their first intimate association gives them an opportunity to know each other more closely, to assess each other's feelings and attitudes. With some brides excitement, expectations or fear of intimate union brings about a reluctance in performing sexual union.

The bridegroom should regard this moment as an opportunity to show his consideration for her tender feelings, to demonstrate that sex is a secondary aspect of marriage and that her health and feelings mean more to him.

Sometimes, out of bashfulness or consideration for the bride's feelings, the groom may also show reluctance to be sexually intimate. Then it is the bride's turn to display her appreciation and tolerance towards him.

### WALIMAH

To be married to a woman of one's liking is a great favour of Allah and a matter of rejoicing. Walimah (a meal after consummating the marriage) is an outward expression of the feelings of gratitude and pleasure. It is also a very good means of publicity for the marriage. This meal clearly places marriage on a higher footing than fornication and gives expression to the matrimonial relationship before the public.

This also implies great honour and prestige for the wife and her family. By spending his money and inviting people to the meal, the husband proves that he holds his relationship in great esteem. Such ceremonies also help in joining many families together and thereby strengthening the ties of relationship. This also, in a way, encourages generosity and curbs miserliness. In fact the walimah party has immense benefits and merits relating to human civilisation and family relationship. It has great significance in the culture and training of the self and has also a relation with benevolence (Ihsaan). It was therefore necessary for Rasulullah *Sallallahu Alayhi Wasallam* to maintain this act and encourage people to celebrate their marriages with a walimah feast. Rasulullah *Sallallahu Alayhi Wasallam* requested Abdurrahman Ibn Auf *Radhiyallahu Anhu* to make a

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walimah even if he had to slaughter a goat. Rasulullah *Sallallahu Alayhi Wasallam* however did not fix the nature and limits of the walimah, leaving it to the status and social standing of the parties concerned. Rasulullah *Sallallahu Alayhi Wasallam* encouraged it but disliked unnecessary decoration and show, by which people try to make such ceremonies a means of pride, glory and nobility.

Rasulullah *Sallallahu Alayhi Wasallam* said: "If two people give a party to surpass each other (as a way of pride) their food should not be consumed." It is related by Abdullah ibn Umar *Radhiallahu Anhu* that Rasulullah *Sallallahu Alayhi Wasallam* said: "When anyone of you is invited to the feast of walimah he should accept the invitation."

The walimahs were held in the correct way when Rasulullah *Sallallahu Alayhi Wasallam* made his observation and it is with regard to such parties that the commandment stands. It has nothing to do with entertainment that are openly wasteful and for display or glory. Rasulullah *Sallallahu Alayhi Wasallam* in fact had advised us to stay away from them, as was mentioned earlier.

#### THE ETIQUETTES FOR THE ACT OF PROCREATION:

Islamic education is very comprehensive and embraces all fields of study. It has provided very useful and appropriate sex education to married couples. It has rejected views of both extremes. On the one hand are those who take sex as a means of satisfying their carnal desires and indulge in acts of purely sensuous lust and obscenity which brings the relationship to shame, disgrace and mockery, and there are those who completely abstain from it and regard even ordinary talk about it as sinful and shameful. Islam has suggested a middle lane between these two extreme views; it says that the marital relationship is neither sinful that one

should completely abstain from it nor is it a plaything that one should make it a source of lust and sensuality and indulge freely with anyone and everyone. It permits sexual relationship with certain limits and places, and certain obligations on both the husband and his wife.

The sexual instinct in man is like that of hunger and thirst; it is very strong and aggressive and it is necessary and desirable to moderate it in order to strike a balance between the animal and human relationship of man. The history of man shows that a slight disturbance in this relationship can cause havoc with cultural and social order. The sexual instinct has been exploited under various names by evil men and women through the history of man. Some have called it art, some fine art; others speak of it as romantic literature. No matter what name it is given they all lead to obscenity and indecency and ultimately destroy that very culture in the name of which such shameful acts have been committed.

It is the primary duty of every healthy and pious society to divert this instinct of man from these extremes to a state of moderation and then to regulate it within reasonable, desirable and appropriate limits.

Islam has regulated the relationship of man and woman on the basis of wisdom and natural reality. Its first fundamental and universal truth is stated in Surah Al-Zaariyat:

وَخَلَقْنَاكُمْ أَزْوَاجًا

"And of you we created pairs."

The primary and natural object of creation in pairs is the reproduction of each of their own species "He has made

for you pairs from among yourselves and pairs, among cattle to multiply you" (Quran)

Each member of a species feels a very powerful urge of procreation and is instinctively attracted towards members of the opposite sex. If this urge is not properly controlled and disciplined, it can lead to sexual anarchy and make man a sheer brute animal.

Islam has, therefore, restricted sexual relationship to matrimony. It has advocated marriage and discouraged a life of celibacy. The normal and natural way of life for a Muslim is to get married and raise a family. This is the only course open for a Muslim, to satisfy his natural instinct of sex through conjugal relationship.

Even in marriage Islam places certain restrictions on Muslims. First it restricts certain relations for marriage. Secondly, it restricts the number of women one can marry at one and the same time. The Quran limits the number of wives to four and that also with the provision of justice to all the wives. Those who cannot do justice are advised to have only one wife.

Thus, Islam has very successfully satisfied the emotional and sexual aspect of man's natural instinct and at the same time reduced tension and arranged for legitimate procreation through marriage. This is one aspect of the problem. The other aspect is the inter-family alliance which forms the bedrock on which human civilisation is built. The fundamental nature and purpose of the family relationship is described as:

نِسَائُكُمْ حَرْثٌ اللَّكُمْ فَأَثْوِا حَرْثَكُمْ أَئِي شِئْتُمْ

*Your wives are a tillage unto you; so approach your tillth how and when you desire". (Quran)*

Very delicate matters relating to sexual relationship between husband and wife are mentioned here in a very comprehensive way without offending any cultural or social customs or personal considerations. Manner, time and place are very significant in sex, and Rasulullah *Sallallahu Alayhi Wasallam* fully kept it in mind and set a very high standard in this matter. As he loved purity and cleanliness in everything, he did not forget this in sexual education. Sex is not a thing to be ashamed of or treated lightly, or to be indulged in excessively. It is compared to a husband's tillage. It is a serious affair to him; he sows the seed in order to reap the harvest. But he does not sow out of season nor cultivate in a manner which will injure or exhaust the soil.

Every kind of mutual consideration is required, but above all we must remember that even in these matters there is a spiritual aspect. We must never forget our souls, and that we are responsible to Allah.

Man goes to his wife to produce children. But at the same time, in the very act of production he enjoys immense pleasure from the relationship.

The simile of the husband and wife as the farmer and the farm contains encyclopaedic knowledge of sexual relations.

The farmer has a great attachment to his farm and looks

after it all the time. He has to water his fields, plough and fertilize them and prepare them for sowing. He does not go abruptly on the farm to sow the seed but does a lot of preparation before the seed is sown. This is essential for securing a good quality of the crop.

Likewise in the case of the husband and the wife. The damage in this case could sometimes be irreparable because the woman, unlike the farm, is very sensitive and has feelings and very strong passions which need full satisfaction and attention.

The husband must spend sufficient time with her to arouse and prepare her for the act of procreation. He should start with kisses on the lips which are obviously very sensitive and then with gradual caresses on the face, ears and various parts of the neck, at the same time passing his hand through the hair. However the degree of sensitivity on these parts varies considerably in different individuals but once the husband knows his partner he can very effectively arouse her by caresses and kisses.

But one word of caution: These preliminaries should not become a matter of routine so that the husband always starts from the same thing or in the same manner.

All these preparatory exercises are fully implied in the simile contained in the above verse of the Holy Quran. Rasulullah *Sallallahu Alayhi Wasallam* on many occasions explained to his companions, though not in the same words, the desirability and necessity of play with the wife.

It is related in the Ahadith that when Hazrat Jabir *Radhiallahu Anhu* told Rasulullah *Sallallahu Alayhi Wasallam* that he had married a widow, he replied "Why did

you not marry a virgin with whom you could play and who could play with you?" In another Tradition Rasulullah *Sallallahu Alayhi Wasallam* said: "Marry women who are loving and have very prolific wombs, and are most satisfied with little".

This shows the importance and significance of love play to the actual procreation act. It is a well-known fact that a woman needs usually more time to reach her climax. If this is ignored she remains unsatisfied after the man has had his orgasm. If, however, the woman reaches her climax first, there is no harm, as the man can always follow her, whereas the opposite is disastrous because the man may not be able to help the woman to reach her climax and this may lead to many psychological complications. This is the first purpose of love play.

The second purpose is that in the woman it stimulates the glandular secretions which lubricate the vulva and the vagina, thus facilitating intromission. In the man, loveplay provokes erection and urethral secretions which also act as a lubricant. Without erection, coition is not possible, and without the aforesaid secretions in both partners there is a definite danger of damaging the female organ at the time of penetration.

The act of procreation should take place at such a time when there is a natural counter-balance in the temperament of both the partners i.e. not at extreme hunger nor immediately after a heavy meal or when there is a need in answering the call of nature eg. urination etc.

It is reported from Ibn Abbas *Radhiallahu Anhu* that Rasulullah *Sallallahu Alayhi Wasallam* said: "If anyone amongst you intends to go to his wife he should say:

*In the name of Allah, O Allah! Save us from the mischief of the Devil and save the progeny thou mayst bestow upon us (from the mischief of the devil).*

Sheikh Abdulhaq Mohaddith Dehlawi has observed in "Ash'atul Lammaat" that if a prayer like this is not made at the time of copulation and only the sexual urge is satisfied like the animals, the child that may be born as a result of it will not be saved from the evil influence of the devil. The Sheikh further states: "It is the main reason why the morals of the present generation are not good."

The Hadith is quite significant in the sense that it shows how Islamic ideals generates Allah consciousness and plenty, even in these activities of life which are generally looked down upon by other religions.

It is also not advisable to be completely naked during the act of copulation. Hazrat Aisha *Radhiallahu Anha* said: "I never looked at (or never saw) Allah's Messenger *Sallallahu Alayhi Wasallam*'s private parts."

It is necessary that the partners cover themselves during coitus, for the Nabi *Sallallahu Alayhi Wasallam* has said: Do not become naked like wild asses."

Shameless children are born as a result of it. Hazrat Ali *Radhiallahu Anhu* reports a person came once to Rasulullah *Sallallahu Alayhi Wasallam* complaining that he has no children. Rasulullah *Sallallahu Alayhi Wasallam* advised him to eat eggs. On one occasion Rasulullah *Sallallahu Alayhi Wasallam* complained to Jibraeil *Alayhi*

Salaam about his strength. Hazrat Jibrial *Alayhi Salaam* replied that he should eat Harisah, for it has the strength of 40 men. Harisah is a kind of thick soup made of crushed wheat, mixed with meat, butter, etc. (spices).

Rasulullah *Sallallahu Alayhi Wasallam* warned that during cohabitation the man should not look at his wife's private parts, otherwise the child may be born blind.

Bashfulness is a special characteristic of women. If they lose it, they lose all charm. The modern condition of women has become such as to lead us to the conclusion that they have lost all shame and decency. They freely engage with men in numerous conversations and keep their private parts almost naked. It is reported from Rasulullah *Sallallahu Alayhi Wasallam* who said: "When you have no shame do what you like." Compare the above two traditions with the craze of modern men and women who see each other's private parts under flashlights and practice oral sex as well. Oral sex is an extreme shameful and detestable act. There is no place for it in Islam. No noble and honourable person can do such an act, nor can Islam nor humanity condone such acts. Abu Hurairah *Radhiallahu Anhu* relates that Rasulullah *Sallallahu Alayhi Wasallam* said: "The man who performs the unnatural act with his wife lies under the curse of Allah." The Jews used to come to their wives by their backs i.e. from the anus. This was made unlawful by Rasulullah *Sallallahu Alayhi Wasallam*. He directed man to come by the natural way (i.e. vaginal canal) in whatever position they like. Coition is an act of procreation whereas these unnatural practices (oral sex, anal sex) are not only filthy but unproductive, harmful and injurious to the health.

Allah has not made women a happy hunting ground for

man, but a tillage in which they are required to sow seeds and reap harvest and not merely derive carnal pleasure. This simile also makes it clear that such unnatural acts have no place in Islamic society.

Even the animals do not satisfy their sexual desire in the unnatural way. The human beings who are guilty of it are even worse than the animals and offer a living proof of the correctness of the Quranic verse:

ثُمَّ رَدَدْنَاهُ أَسْفَلَ سَافِلِينَ

*"Then when We reduced them to the lowest of the low".*

At the time of copulation care should be taken that one does not face the Qibla, as this shows disrespect towards the Qibla.

It is quite necessary that the mouth be cleaned with a miswak or toothpaste before the copulation. Cleanliness and purity are itself necessary in Islam and during this time it is equally important as when contact will be made by kissing, and if there prevails bad odour it may result in disturbances to the actual act of copulation.

It is also not advisable to talk during the actual act of copulation, nor at the time of ejaculation, or to imagine having the act with some other woman besides your wife. However, if one suffers from premature ejaculation one's thought can be distracted from the actual act of copulation. This may prolong the act of copulation. Rasulullah *Sallallahu Alayhi Wasallam* said that during cohabitation there should **not** be much talking, otherwise the child would be born deaf and dumb. Equally important as foreplay is "afterplay". Often a woman feels that a man is

only interested in her union for lust. To clear this misunderstanding the man must give her assurance by paying more attention to her after the union by continuing his sweet talks and fondness of her, otherwise she will feel insecure. Also one should not withdraw from his wife until the wife attains satisfaction.

After the act both the husband and the wife should wipe and clean their private parts (i.e. make istinja). If one wishes to repeat the act all the above should be practised, though if ablution is made between the acts it is more advisable, as this will make the act more satisfying.

Generally speaking sexual intercourse is desirable when the passions of the husband and the wife are high. It is the duty of the wife to win her husband's mind by submitting to his sexual desire. Rasulullah *Sallallahu Alayhi Wasallam* once said: "Whoso sees a woman who appears pleasing to him let him go to his wife, because there is with her the like of what is with her." Abu Hurairah *Radhiyallahu Anhu* reported Rasulullah *Sallallahu Alayhi Wasallam* as saying: "When a man invites his wife to his bed, she does not come, and the husband spends the night angry with her, the angels curse her till the morning." The conjugal act is the right of the husband and the woman cannot deny him this right without any valid reason, as there is a strong likelihood of his going astray and resorting to immoral practices for his sexual satisfaction. The same is the right of the woman also.

No man or woman from outside should be told about the sexual gratification of the husband and wife as that would provide others a chance to meddle in their private affairs. This is not only sinful but highly detestable in the sight of Allah Ta'ala. It is unfortunate that now-a-days husbands

feel proud of reading the love letters of their wives before friends and vice versa in order to impress before others their attachment to their spouses. Not only that, they do not feel shy or hesitate in describing their sexual relations with their wives. What a tragedy and moral bankruptcy indeed!

A man is not permitted to have intercourse with his wife during her menstrual period. Hazrat Aisha *Radhiallahu Anha* said: "When one amongst us (the wives of Rasulullah *Sallallahu Alayhi Wasallam*) menstruated, Rasulullah *Sallallahu Alayhi Wasallam* asked her to tie a waist wrapper over her body." (i.e to cover her private part which according to Imaam Abu Hanifa is between the navel and the knee) and then he embraced her. In another Hadith Hazrat Aisha *Radhiallahu Anha* said: "Whenever Rasulullah *Sallallahu Alayhi Wasallam* wanted to fondle anyone of us during her menses he used to order her to put on an Izaar and then start fondling her." Hazrat Aisha *Radhiallahu Anha* added: "None of you could control his sexual desires as Rasulullah *Sallallahu Alayhi Wasallam* could." From the above two traditions the jurists have said that sexual intercourse is unlawful during the continuance of menstrual discharge. The Quran says:

بَشَّلُوكَ عَنِ الْمَحِيضِ قُلْ هُوَ أَذَى فَاعْتَرِلُوا النِّسَاءَ فِي  
الْمَحِيضِ ، وَلَا تَقْرُبُوهُنَّ حَتَّىٰ يَطْهَرْنَ ، فَإِذَا تَطَهَّرْنَ فَأُتْهُنَّ  
بِنِ حَيْثُ أَمْرَكُمُ اللَّهُ

"Say (O Mohammad) It is impure so abstain from women (from having sexual intercourse) during their period of menstrual discharge. And do not go near them until they have purified themselves (upon the termination of their period.)"

It is Haraam to have sexual intercourse during menses. However he is allowed to sleep with, fondle, love, caress the wife (provided there is no possibility of sexual intercourse). But she must keep her body covered from her navel to her knee. If, Allah forbid, sexual intercourse takes place during menses then it is necessary to make Towbah and Istighfaar (repentance) and it is better that Sadqa (charity) be given.

If the days of her menses are according to her habit and the husband wishes to have sexual intercourse and the wife says her menses has started, then it is necessary for her husband to believe her even if the wife is not religiously inclined. If her menses stops, after ten days it is permissible to have intercourse before she has taken a bath. If bleeding stops before ten days, then sexual intercourse is not allowed before she has taken a bath.

If, however, one Fardh Salaat time has passed, i.e. one Fardh Salaat has now become Qazaa on her after her bleeding has stopped and until then she has not taken a bath, then too it is permissible to have intercourse. But it is not permissible for her to remain impure for so long. It is, however, Haraam to have intercourse before the end of her normal habit. If a woman bleeds for less than three days and three nights and then remains paak for fifteen days it is regarded as "Istihaaza" (bleeding due to illness). If she has no set habit, then any bleeding beyond full ten days and full ten nights is also regarded as Istihaaza. If she has a fixed habit e.g. seven days and she bleeds in a particular month for more than ten days then bleeding beyond her habit period of seven days is counted as Istihaaza. Sexual intercourse is allowed during Istihaaza even if she is bleeding, because the Shariat considers her in a state of purity; therefore there is no sin in having intercourse during Istihaaza

## HOW OFTEN?

How often should sexual union be performed? This depends upon the natural capacity of each individual and the willingness of the partner. Mutual understanding in this respect is very important. It is not commendable to cohabit with the wife on the first, middle and last dates of the lunar month. It is, however, commendable on a Friday night (Islamically Friday night i.e. Thursday night according to the English day). The average a young husband should cohabit with his wife is once in four days and gradually to once a week (i.e. Friday night). To keep the character of the wife, it may be increased or decreased.

There are two benefits of sexual passion:

1. Satisfaction of intercourse
2. Preservation of mankind.

But there is danger in it that if it is not kept under control and exceeds limits a man loses his sense of right and wrong and enjoys any woman and this destroys his religion and social life. Such a man often takes recourse to medicine to increase his sexual passion. This is all the more dangerous. Such a man takes recourse to love making of which the object is the satisfaction of sexual passion. The medicine for this is to control his eyes and thoughts.

Besides the unnatural way (i.e. oral sex and anal sex) Islam has allowed all forms of sexual union by the natural way (i.e. vaginal canal) in whatever position the couple likes. However two positions are hinted at in the Quran and Hadith which if practised can be very beneficial to the act of procreation. The first is the common and natural way where by the woman lies on her back and the man on top of her. The first benefit of this position is that the man has

more control of movements thus more pleasure is derived. The second benefit is that the wife will have to carry some weight of the husband through which she will also achieve more pleasure and gain orgasm more quickly. The third benefit is that this position enables the woman to conceive more quickly. By careful study of the Quran one may find that this position is hinted at in the Quran as well.

فَلَمَّا تَعْشَاهَا حَمَلَتْ حَمْلًا حَفِيْفًا

*"Then when he (Adam Alayhis Salaam) covered her (Hawa Alayhimus Salaam) she bore a light burden".*

This is when a woman lies on her back and man over her in such a way that his body covers all the organs and the body of the woman.

The second method the Hadith explains in the following words:

إِذَا قَدَّ بَيْنَ شَعْبَهَا الْأَرْبَعَ ثُمَّ جَهَدَهَا

*"If anyone of you sits between the four parts of a woman. Then puts the woman in labour pains".*

This means a man sitting within the thighs of the woman for intercourse and this will be possible when the woman lies on her back with her legs lifted up (the legs can be rested on the shoulders of the man) the man thus in a sitting position comes forward...

This position also helps conceiving as in this position the penis comes closest to the womb.

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**NB:**

1. If marriage is contracted to a virgin then in the initial stages of the sexual union the woman goes through great amount of pain which results in fear. During such time the husband must take great care in his movements at the time of sexual union.
2. If marriage is contracted with a virgin and her virginity seems to be broken and the moral character of the woman seems to be good in Islamic spirits then one should not doubt the character of the woman, as Islamic jurists and medical practitioners have mentioned that sometimes this is due to jumping, falling, excess of menses and at times due to not being married for a long time.
3. Rasulullah *Sallallahu Alayhi Wasallam* taught us not to cohabit whilst standing, for this weakens the body.
4. Rasulullah *Sallallahu Alayhi Wasallam* also taught that if a man cohabits with his wife after having a wet-dream, this will result in the child either born with a mental abrasion (mental sickness), or will be a miser and warned very strongly against this practise.

The man having a wet-dream must first have a bath before having coitus with his wife.

5. Rasulullah *Sallallahu Alayhi Wasallam* advised Hazrat Ali *Radhiallahu Anhu* to refrain from cohabiting in the middle of the month (Islamic month, the 13th, 14th, 15th). For during this period the Shaytaan will be present (at his strongest). He (Nabi *Sallallahu Alayhi Wasallam*) taught the Sahabas that they should wash themselves after cohabitation (coitus), otherwise they

may contract a disease which would be difficult to cure. They should wash their private parts, for this would give them strength; but should refrain from using cold water for fear of catching a fever.

#### **OBLIGATORY BATH**

The taking of a bath is rendered obligatory after sexual intercourse, menstrual discharge, child birth or wet dream. There is a consensus of opinion among the jurists that sexual intercourse necessitates a bath whether there is seminal emission or not. It becomes obligatory after the two places of circumcision meet together.

It is reported on the authority of Abu Huraira *Radhiallahu Anhu* that Rasulullah *Sallallahu Alayhi Wasallam* said: "When a man has sexual intercourse, bathing becomes obligatory for the female and the male."

If the semen is discharged in excitement while asleep or awake, bathing becomes obligatory whatever way it may be discharged, by touching of the opposite sex or by the occurring of wetness after a dream or in any other manner.

If a wet dream has occurred whilst sleeping but on waking up no stains of semen are found on the clothes, bathing is not obligatory. In case of definite discharge of semen, bathing becomes obligatory. It is reported that Rasulullah *Sallallahu Alayhi Wasallam* was asked about a woman who sees in her dream what a man sees in his dream (sexual dream). He said if she experiences what a man experiences she should take a bath.

He was asked about a person who would see wetness but would not remember having seen a wet dream; he said he should take a bath. He was asked again about a person

who thought he had seen a dream but would find no moisture; he said he is under no obligation to take a bath. In this case it would be preferable if he takes a bath.

#### THE MANNER OF TAKING A BATH

Hazrat Aisha *Radhiallahu Anha* has reported that when Rasulullah *Sallallahu Alayhi Wasallam* took a bath after a seminal emission, he first washed his hands, then his private parts with his left hand, then poured water over his left hand with his right hand. Then he performed ablution as he did for prayer, then put his fingers in the water and moved them through the roots of his hair till he was satisfied that the water reached the roots fully. Then poured three hands full over his head then poured water over all his body, then washed his feet. (Bukhari & Muslim).

Care should be taken that water flows into the beard and nails. It should reach the base of the hair whether thick or sparse. A woman however need not undo her braids if the water reaches the roots. While bathing one should not sit facing the Qibla.

If any part of the body, even to the extent of a hair's breath is left dry, the bath shall not be complete.

In such a case only that part should be washed which has remained dry and it is not necessary to repeat the bath again. It is better to take a bath in a sitting position on a stool etc. and one should not face the Qibla.

#### DUTIES OF HUSBAND TOWARDS WIFE

Rasulullah *Sallallahu Alayhi Wasallam* was sent as a model for all classes of men even for those wordly men who live with wives and children.

He brought a complete change, in the status and position of women. Equality became the regulating principle of the married parties, and the ideal of wifehood was declared to be love and affection and not subordination. The wife was regarded by Rasulullah *Sallallahu Alayhi Wasallam* as the best safeguard for the husband against sin, a light-house of virtue that saves the husband from shipwreck when tossed by the raging waves of passion.

According to Rasulullah *Sallallahu Alayhi Wasallam* the following are some of the duties of a husband to his wife:

1. The husband must treat his wife very kindly. The Quran says "treat them kindly".

Rasulullah *Sallallahu Alayhi Wasallam* said: "The best of you is he who is the best to his family and I am the best of you to my family."

He further said: "Fear Allah with regard to women because you have taken them in the trust of Allah and made their private parts lawful with the word of Allah."

2. The husband should not hate his wife, on account of any of her faults, because there is no man and woman without defect. Rasulullah *Sallallahu Alayhi Wasallam* said: "Let no believer hate a female believer. If he hates one trait of her character, let him be pleased with her, for another trait."
3. The husband should not be too strict on his wife In order to achieve his aims Rasulullah *Sallallahu Alayhi Wasallam* said: "Admonish women with good, for they have been created from the upper ribs and the most crooked thing in a rib is its upper part. If you want to

make it straight it will break. If you leave it, it will remain crooked. So give advice to women accordingly."

4. The husband should not hit his wife; this creates bitter feelings and is suicidal to domestic peace and happiness. In some extreme cases mild hitting is allowed, but not on the face. It should never be inflicted in such a way so as to injure her. The Holy Quran prescribes some preliminary steps before hitting; namely admonishment and separation from bed. Rasulullah *Sallallahu Alayhi Wasallam* discouraged hitting by saying: "The best of you is he who is best to his wife." He further said "Never hit your partner like the hitting of your slave."
5. The husband should make some off-time enjoyments with his wife. This strengthens the nuptial knot more firmly. Rasulullah *Sallallahu Alayhi Wasallam* used to engage in such sports with Hazrat Aisha *Radhiallahu Anha*.
6. The husband shall give food, clothing and abode to his wife. The Quran says: "And maintain wives and speak to them good words, 'men are the protectors of women.' It is compulsory upon the husband to maintain his wife. This must be done according to the means of the husband.
7. Besides food, clothing and abode, the husband shall spend something on his wife which will be considered a charitable act. Rasulullah *Sallallahu Alayhi Wasallam* said: "The best a man spends is what he spends on his family."

8. The husband should give her education in the fundamental articles of Islam, health and hygiene.
9. He must pay her dower (Mahr) in case of demand, otherwise the wife can resist the conjugal right of the husband.
10. The husband shall regard his wife as a safeguard against immorality and as a consolation in distress. Rasulullah *Sallallahu Alayhi Wasallam* said: "The best of properties is a remembering tongue, a grateful heart and a believing wife who helps him in his faith."
11. The husband should also not cast doubts on the chastity of the wife on false grounds.
12. The wife is not a play thing or a toy for the enjoyment of man. She is a person and an individual like him and a spiritual and moral being. It is desirable and vital for the function for which man is created that he should establish a spiritual and moral relationship with her on a sound and perpetual basis. This will invite greater co-operation and help in making the family life possible, thereby establishing family units that knit together with ties of love and affection and will finally lead to the growth and development of a civilised life in communities all over the earth.

#### DUTIES OF THE WIFE TOWARDS THE HUSBAND

Rasulullah *Sallallahu Alayhi Wasallam* left the most ideal instructions about duties of the wife towards the husband.

1. The wife is bound to live with her husband unless he is unfit for sexual intercourse. The Holy Quran says: "Your wives are your tilths so go into your tilths whenever you like."

Rasulullah *Sallallahu Alayhi Wasallam* said: "When a man calls his wife for his need let her come to him though she may be near a furnace (cooking)." He also said: "Whenever a man calls his wife for his need and she refuses and then he passes the night in an angry mood, the angels curse her till she gets up at dawn."

2. The wife shall be obedient to her husband in all respects and administer his comforts even by cutting short her optional religious duties. Rasulullah *Sallallahu Alayhi Wasallam* said: "No woman shall keep optional fast except with the permission of her husband".
3. She shall guard her private parts from foreign touch. Rasulullah *Sallallahu Alayhi Wasallam* said: "When a woman says her prayers, fasts her month and guards her private parts, let her enter paradise by whichever door she likes."
4. A wife can spend minor things of small value of her husband. The Holy Prophet *Sallallahu Alayhi Wasallam* said: "Take what suffices you and your husband according to means."
5. The wife should not leave the house without prior permission of the husband nor should she visit houses where her husband would not like her to go, nor allow such persons to enter her house whom the husband does not like.
6. The wife should try to please the husband. This is the secret of a successful married life as well as the means of pleasing Allah and attaining paradise.

7. Love your husband and appreciate his companionship. Rasulullah *Sallallahu Alayhi Wasallam* said: "There is nothing better than marriage between partners who love each other."
8. The wife should be grateful to the husband. It is the husband who is her benefactor. Rasulullah *Sallallahu Alayhi Wasallam* said: "Be not ungrateful to your benefactors."
9. A wife should feel happy by serving her husband even at the cost of her own comfort. She should try to win his heart and goodwill through service.
10. The wife should look after the husband's house and household effects. After your marriage this home should be regarded as your own. Rasulullah *Sallallahu Alayhi Wasallam* said: "When the husband goes out on a journey she should guard her chastity and look after his property."
11. Keep your house clean and tidy. A neat and tidy house, a well-mannered, well-dressed and pious wife's looks is rich in love and affection and also a means to salvation and Allah's pleasure. Rasulullah *Sallallahu Alayhi Wasallam* said: "If the wife does not properly adorn herself, she would lose her importance in the eyes of the husband."

#### THE PROCESS OF RECTIFICATION:

During the process of rectification it should be borne in mind that anger should not be exercised on every trivial error by reprimanding and assualting the wife, as such behaviour is contrary to civility and dignity. Suspicion

should not be aroused merely on the grounds of glancing or smiling at anyone.

If any misdeed is experienced which causes inconvenience to the husband then he should resort to a mild form of correcting her by ignoring her for a few days or by frowning and expressing displeasure on his face. If she does not take heed, then he may sleep separately from her bed for a night or two. If there exists true concern and love for each other this much reprisal is sufficient; there remains no need for harsh words and verbal abuse. If she insists on her misbehaviour he is permitted to hit her slightly but he is not permitted to beat her savagely like a slave or a criminal would. It is reported in a Hadith that it is indeed unbecoming that a man beats his wife like a slave during the day and cohabits with her during the night. It should be borne in mind that domestic upheaval or nonconformity with her wishes naturally upsets a woman but this is an integral part of her psychological make-up and should not cause undue concern or irritation to the husband.

**N.B.** It is of importance that the husband control his emotions at the time of anger and does not lose his composure and sense of balance. Rasulullah *Sallallahu Alayhi Wasallam* states: "The best of you is he who is amicable and tolerant to his family and I am the most amicable from among you all towards my family people." A great deal of patience and tolerance should be exercised with regard to her misconduct. At the time of anger and wrath it is best to leave her presence, recite ta'awwuz, drink some water and have a change of environment. It is no perfection to defeat a perfect wrestler in combat; perfection lies in controlling one's temper and tongue at the time of anger; or else some undesirable word or sentence may be uttered (divorce for example) which brings long regret in its wake to all. To

undertake any decision or venture during a fit of rage is foolishness and cowardly. Once the temper has cooled and the mind settles to a state of equilibrium and after consultation with relatives and friends a decision should be formulated. There are a few other important points to be remembered with regard to fulfilling the rights of the wife suitably:

1. He should not permit her to discard Purdah and should especially prevent her mixing with strangers or having any contact or communication with them.
2. The wife should always adorn and beautify herself for the husband whereby she will be preventing him from gazing at other strange women and she will prevent any feeling of contempt and disgust for her in this way. Even Shariat has sanctioned this regulation for women; and especially on occasions when the husband returns from a lengthy journey; she should take pains to adorn herself.

When Rasulullah *Sallallahu Alayhi Wasallam* and the Sahaba *Kiraam Radhiyallahu Anhum* used to return from a journey they used to camp outside Medinah in order that the women prepare themselves for the occasion.

3. For the sake of the wife, the husband too should be extra conscious of his cleanliness and attraction in order that she may remain inclined towards him.
4. If the wife has an overinclination and flair for expensive garments and jewellery then with great tact and wisdom he should narrate to her the anecdotes of the saintly personalities and their despisal for the riches

of the world; explain to her the temporary nature of this world and the importance of preparation for the Akhirah which will dawn upon her the futility of collecting and desiring the things of the world and her inclination for these things will decrease. If this measure is not resorted to, her lust and greed for riches will increase and eventually destroy her marriage and the entire home.

5. If he notices any extra piece of jewellery in her possession or clothing he should undertake immediate investigation into the matter and question her with regard to the source, etc.
6. People highly occupied and involved in their activities should spare some time to converse and jest with their wives.
7. If the wife is efficient and obedient, pious and good-natured, occasionally he should praise her in order to please her and encourage her to continue with her pleasant ways.
8. He should attempt to understand her hints and indications through her gestures and facial expressions as she conceals many of the things that he would express verbally and conveys them in the form of bodily gestures.
9. He should never chide and reprimand her in front of her children as this destroys the harmony of the home and induces a spirit of disrespect for the mother in the children's eyes.

10. He should learn to live with the family in a loving and caring manner and not like a man-eating beast or a tyrant ruler.
11. Never praise a strange woman especially her physical beauty and features before the wife as this will shatter her heart and spirit and suspicion of the husband's honesty will be created in her heart.
12. Consider seriously her opinions with regard to domestic matters; very frequently her views are more beneficial in these matters.
13. If the wife is literate she should be encouraged to study Islamic literature. Never permit her to read novels, comics and other harmful literature.
14. Settle all domestic upheavals and disputes internally. Never publicize such incidents.
15. Never let the wife mingle with and befriend corrupt women as she will be influenced by their company and thus be destroyed.
16. If any conflict arises between the wife and mother-in-law or sisters-in-law, settle the dispute with great tact and diplomacy, being as just as possible to both parties.
17. In household matters he should not be very lenient or relenting, nor too harsh and severe.
18. If destiny has willed that an ill-tempered, ill-mannered wife be his lot, whose rectification is practically im-

possible, such a circumstance warrants and permits the separating of such a woman and in this alone lies the welfare of both.

It should however be understood that the woman has been created from the left rib, as has been lucidly expounded in the Hadith, and this rib is the most crooked of all the ribs. She should be accepted with all her crookedness because instant attempts to straighten her will only destroy her; therefore the husband should be very tolerant and tactful.

Every attempt should be expended to save the marriage and to avoid a divorce. Undoubtedly Shariat has strongly disapproved divorce and has termed it as the most contemptible of all permissible acts. Such a drastic measure should be resorted to only after great consideration and judgement, after mutual consultation with responsible and trustworthy associates and colleagues.

Under certain circumstances divorce is permissible; then too, only one or two divorces should be issued and not three simultaneously as this may cause much regret later on.

19. If the wife falls ill or her menstrual cycle is upset, immediate medical attention and advice should be sought and arranged.

#### **THE INITIAL STAGES OF PREGNANCY AND OTHER RELATED MATTERS.**

After some period has elapsed the couple desire that Allah Ta'ala bless them a child and thus through the means of mating Allah Ta'ala grants their wish. However Allah Ta'ala

at times, through his infinite wisdom and power, despite their adopting the means, withholds from them a child for some time or forever.

They should never despair or become despondent. The husband should not despise his wife for this but, considering it a decision of Allah Ta'ala, they should resolve to Dua and pleading from Allah Ta'ala and if necessary even resort to medical treatment as there exists the possibility of any one of the partners having some defect or weakness which is preventing the pregnancy, after which it is hoped that a child would be conceived.

After a considerable period has elapsed and some defect is medically detected in the woman which is preventing conception the husband may then contract a second marriage which he is entitled to by the decree of the Shariat. However strict justice and fairplay will have to be exercised and even if a little injustice and partiality is shown, the consequences will be severe indeed. It is reported in the Hadith: "The person who has two (or more) wives and he grants unfair preference to one of them, will arrive on the Day of Qiyamat with one half of his body drooping." It will then become apparent to one and all that this person is a transgressor and that he has not dealt justly with all his wives. It is of vital importance then that this be borne in mind at all times.

When Allah Ta'ala resolves to grant a child, the first stage that follows is that of pregnancy. The pregnancy may be recognised by a variety of symptoms, the most prominent of which is the termination of the menstruation. Other symptoms are feeling of nausea, vomiting, etc.

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At this stage great care and precautions should be adopted to protect her health and under the counsel of a qualified practitioner nutritious and enriching foods and tonic should be consumed. During this period nausea, vomiting and discomposure is experienced. This induces a desire for sour and salty foods. Some women have a sudden craze for black soil. Caution should be taken that no such foods are consumed which are detrimental to the health; extremely bitter and spicy foods especially should be avoided. She should be prevented from jumping, hopping, running, any form of physical strain, lifting heavy objects as this may cause excessive bleeding or even a miscarriage.

A woman should always remain calm and happy and should not be overconcerned and overtaken by grief.

Together with the cleanliness of the clothes and body the heart and mind should also be purified and kept clear of evil thoughts, the effect of which will naturally manifest on the developing foetus.

A great deal of pain and inconvenience is experienced during the period of pregnancy. Since pregnancy lasts for a considerable span of time (9 months) and the severest pain and difficulty is experienced during childbirth, the Quran, in making reference to the rights of the mother, emphasizes this fact in the following three Ayats:

1. He it is who did create you from a single soul, and therefrom did make his mate that he might take rest in her. And when he covered her, she bore a light burden, and she passed (unnoticed) with it, but when it became heavy they cried unto Allah, their Lord, saying: If thou givest unto us aright we shall be of the thankful. (7:189)

2. And We have enjoined upon man concerning his parents — His mother bareth him in weakness upon weakness, and his weaning is in two years — Give thanks unto Me and unto thy parents. Unto Me is the journeying. (31:14)
3. And We have commended unto man kindness toward parents. His mother beareth him with pain and bringeth him forth with pain, and the bearing of him and the weaning of him is thirty months, till, when he attaineth full strength and reacheth forty years, he said: My Lord! Arouse me that I may give thanks for the favour wherewith Thou hast favoured me and my parents, and that I may do right acceptable unto Thee. And be gracious unto me in the matter of my seed. Lo! I have turned unto Thee repentant, and lo! I am of those who surrender (unto Thee). (46:15)

All this difficulty she undergoes to bring into existence a Mu'min — a believing servant of Allah Ta'ala — who will be a means of increasing the Ummah of Rasulullah *Sallallahu Alayhi Wasallam* and also a soldier of Islam. The Hadith thus declares for her a befitting reward in return for her suffering; Rasulullah *Sallallahu Alayhi Wasallam* said: "From the period of pregnancy to the period of weaning a woman receives the reward of a soldier who guards the borders of an Islamic state." - Such a soldier is rewarded tremendously. The Hadith also states that: "The woman who dies of labour pains is regarded as a martyr-shaheed." A woman should therefore gladly bear these difficulties patiently and calmly as she is highly rewarded therefor.

During pregnancy the husband must show great self control, care and gentleness in their sexual union, for the sake of both the mother and child. He should be more con-

siderate than before, because a woman goes through a nervous strain during her child-bearing period. After all, it is no small sacrifice and suffering on her part to bear the burden of the baby in her for nine long months. Sexual union should become less frequent in the beginning and even more less as the time of birth draws nearer and should be given up completely after childbirth, until the mother regains her health and the flow of blood stops, which generally takes up to six weeks. However during pregnancy there is no harm for the sexual union from the Sharee point of view.

#### BIRTH CONTROL

At times it is experienced that due to the desire for a large number of children, the first child has hardly been weaned or the woman is still recovering or she is still suckling and she conceives yet again. These conditions may sometimes prove fatal and harmful to the couple. Shariat has permitted certain provisions which will not prove harmful for either of the partners.

However the modern forms of family planning and birth control are chiefly due to free love; and in case of marriage to get rid of marital responsibilities and obligations.

The question arises in the minds of every young couple as to whether "Family Planning" (birth control) is allowed or not. Marriage has been defined as the union of two bodies for the procreation of children. If birth control is widely practised then there will be a speedy decline of population. Birth control is thus opposed to Allah's intention.

Those who shout the loudest about early marriages and having lots of children because of the hunger of suffering in the outside world, think nothing of wasting their money

on huge weddings, sumptuous feasts, luxurious mansions, flashy cars and numerous other sundry material pleasures. They think nothing of throwing away their money on these pleasures and then they feel the Shariah of Islam to be the greatest burden and most restrictive form of irritation to them.

Our fore-fathers married young and had huge families and they followed the Shariah of Islam yet they did not suffer the misfortune of time or the ravages of nature. Their children grew up to be strong and obedient. Our generation wants everything on a plate; easy life with less children, less responsibility, late marriages, birth control and lots of fun and good times. Every young Muslim should question himself as to what he wants from life and compare himself with his fore-fathers. They had peace of mind and contentment. Do we have that? Where have we gone wrong? Marriages are institutions which must be solidly built and constructed and they must accord with the highest ethical and moral standards which Islam sets and requires obedience of. Our Nabi *Sallallahu Alayhi Wasallam* has not restricted us to total isolation and imprisonment in this world. He has permitted us limited freedom - agreed - but when it is practised, we find that it is not restrictive in the worldly sense, but its accumulative effect is to bring us close to Allah Ta'ala, to make us better men and women, to give us higher moral standards by making us God-fearing, by giving us Taqwa. When we let ourselves go free then our animal instincts take over and we no longer behave and act as Muslims and true believers.

We should take stock of ourselves and ask the question whether our loyalty lies with Allah, his Rasool *Sallallahu Alayhi Wasallam* and Deenul Islam or do we want loyalty and love for this Duniya. What is our mission of life? We

must begin by establishing Islam in our lives, and not the tareeqa of the Kuffaar. By practising birth control we are defying the laws of Allah. We also find that it does not work out and thereby we are destroying ourselves. But if we follow the Shariah and Sunnah of Rasulullah *Sallallahu Alayhi Wasallam* then only will we be a strong Ummat and back on the path of establishing Islam, and our children will be strong, courageous and God-fearing. Allah want us to establish Islam throughout the world, but how can we do this if we practise birth control thus making our Ummat weak? We must have Taqwa and fear then we will have that quality of children and great leaders will be born, and Deen established in the world.

We can thus see that birth control is totally forbidden in Islam. Allah Ta'ala decides whether a child is to be born or not. Rasulullah *Sallallahu Alayhi Wasallam* said: "Whatever Allah has ordained must take place. For whosoever Allah willith to be born, until the day of Qiyamah will be born and no person can avoid it." This is cast clear that Allah's decision is final and man cannot intervene in this. Allah gives the order for birth and no contraceptive can prevent it and this is proved by the numerous reports of birth control measures failing. Whatever measures we adopt, they are fruitless for our taqdeer is set out. What guarantee have we got that conception will not take place? Many cases are found where no birth control is practised but conception does not take place. On the other hand our Nabi *Sallallahu Alayhi Wasallam* said that not every sperm is the cause of a child being born. When conventional practices of religious morals and ethics are thrown overboard for the norms of society then the ruin and destruction of that community is foreseen. Islam is complete and does not require modification and adjustments to appease our material nafs.

Thus this type of birth control is unlawful. It is a rule that what Allah has decreed must come to pass. A child is born after semen is passed into the uterus. Before this are four stages:

1. Marriage.
2. Then to cohabit
3. Then to have patience to eject semen during intercourse into the uterus.
4. To stay in that condition till semen is settled in the uterus.

Thereafter there are a few more stages through which the child coming into existence passes:

1. Semen in the uterus should mix with the female ovum. (If both are mixed it is a sin to destroy it).
2. Then it is created into a clot of blood and a lump of flesh. (To destroy this is a greater sin).
3. Life is infused into this lump of flesh (to destroy this is a greater sin than the previous two stages).
4. The greatest of sin is to destroy the child when it is born.

Returning to the topic there are two ways of birth control:

1. Eliminate conception forever.
2. Temporary prevention of conception.

To eliminate conception forever is Haraam and a great sin. Imam Bukhari *Rahmatullah Alayhi* narrates a Hadith that the Sahabah *Radhiallahu Anhu* asked Rasulullah *Sallallahu Alayhi Wasallam* permission to castrate and he forbade them for doing so.

The temporary method of birth control is also no new thing as the Sahabah *Radhiallahu Anhum* asked Rasulullah *Sallallahu Alayhi Wasallam* concerning this too.

Abu Saeed Khudri *Radhiyallahu Anhu* relates, saying that once Rasulullah *Sallallahu Alayhi Wasallam* was asked about "AZL" upon which he said it is not that conception takes place with every seminal discharge (it is only by Allah's will that a woman conceives and gives birth to a child) and when Allah decides upon the creation of anything no one can stop it.

The method of temporary birth control during that time was known as "AZL" (coitus interruptus) i.e. separating from the wife at the time of ejaculation. Most of the legists have drawn a conclusion from the traditions pertaining to "AZL" and the basic law according to them is that if a man wants to practise birth control owing to his peculiar circumstance (mentioned above) he can practise birth control and it will not amount to sin and the best and safest way to do it is by means of coitus interruptus. But the way in which the family planning campaigns or population controls are being launched nowadays, on the grounds that if the population goes on increasing as it is, it will not be possible to feed the people or improve the standard of living, is wholly un-Islamic. By studying the above mentioned Hadith, it shows that it is not correct to suppose that the birth of a child can be prevented by the practice of birth control. The birth will take place, in any case, if it is willed by Allah.

#### ABORTION:

As mentioned above the male semen is mixed with the ovum of a woman, when a new life is going to begin. When semen mixes it is condensed as when something is mixed with milk, milk is condensed. It is like a proposal and acceptance which constitutes an agreement of contract. Both things are necessary for a contract. If there is a proposal but no acceptance there is no sin in breaking it. The ejaculation of semen is like a proposal and its passing into

the uterus is like its acceptance. From the above simile one can deduce that abortion is Haraam.

However if the life of the mother is threatened and this is substantiated by expert doctors, Shariah will allow the removal of the foetus. Under no other conditions is abortion permitted in Islam.

#### CHILDREN — A BLESSING FROM ALLAH

Children ought to be regarded as a blessing from Allah and their birth should be celebrated with zest and exchange of greetings. The arrival of the baby should be welcomed with prayers for his or her welfare. Allah must be thanked for having blessed you with an opportunity to bring up one of His servants and that you will leave behind a successor in this world and the Hereafter.

#### PRAY FOR PIous CHILDREN

If you have no issues, pray for the grant of pious children just as Nabi Zakaria *Alayhis Salaam* prayed for noble offspring. The Nabi *Alayhis Salaam* prayed:

رَبِّ هَبْ لِي مِنْ لَدُنْكَ ذُرِّيَّةً طَيِّبَةً ، إِنَّكَ سَمِيعُ الدُّعَاءِ

"Allah give me from Your bounty a pious issue, undoubtedly You are the hearer of the supplication".

Do not consider the birth of a child as inauspicious. Do not feel unhappy on the birth of a child on account of straitened circumstances, ill-health or other reasons, and do not consider the birth of a child as a sign of misfortune for you.

#### PRAYERS AT THE TIME OF CHILDBIRTH.

The Ayatul-Kursi (verse of the throne, chapter 2:255) and the

two Ayats from Surah Al-A'raf (7:54,55) are to be recited near the woman in throes of birth. Surah Al-Falaq (chapter 113) and An-Nas (chapter 114) are also to be read and thereafter blown on her.

If a woman has difficulty during childbirth, the following Duaa should be written on paper, wrapped in piece of white cloth and tied around her left thigh. Insha-Allah it will ease the birth.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ ، وَأَلْقَتْ مَا فِيهَا وَأَخْلَقْتَ وَأَذْنَتْ لِرَبِّهَا  
رَحْقَتْ إِخْيَنِ إِسْرَائِيلَ

#### AZAAN AND IQAMAH

The newly born baby should first of all be given a bath and the Azaan should be recited in the right ear and the Iqamah in the left ear. When Hazrat Husain *Radhiallahu Anhu* the maternal grandson of Rasulullah *Sallallahu Alayhi Wasallam* was born, Rasulullah *Sallallahu Alayhi Wasallam* recited Azaan and Iqamah in his ears.

Rasulullah *Sallallahu Alayhi Wasallam* also said that a child in whose ears these two prayers are recited would be safe from the disease of epilepsy.

#### TAHNIK

Tahnik means chewing a date and placing its paste on the palate of the baby's mouth. After the Azaan and Iqamah, a pious man or woman should be asked to chew a date and the paste of the fruit applied to the palate of the new born baby and the pious person should pray for the welfare of that child. Hazrat Asma narrates "When Hazrat Abdullah Bin Zubair was born, I placed him in the lap of the Rasulullah *Sallallahu Alayhi Wasallam*. He sent for a date,

chewed it and applied the saliva to the mouth of Hazrat Abdullah Bin Zubair, and prayed for the well-being of the child." According to Hazrat Ayesha *Radhiallahu Anha* Rasulullah *Sallallahu Alayhi Wasallam* performed tahnik upon the children brought to him and prayed for them.

#### NAMING THE BABY

Name the child with a decent and appropriate name, like that of the prophets or Allah's names with the prefix of Abd e.g. Abdurrahman, Abdullah, and the names of Prophets e.g. Yusuf, Ibrahim. Rasulullah *Sallallahu Alayhi Wasallam* said: "On the day of reckoning you will be called by your names; therefore have good names."

Rasulullah *Sallallahu Alayhi Wasallam* further said: "Of your names, Allah likes Abdullah and Abdur Rahman the most and that the children should be named after the names of the Prophets."

#### CORRECTION OF NAMES

Names wrongly given should be changed into a good or auspicious one. Rasulullah *Sallallahu Alayhi Wasallam* used to change bad names. One of the daughters of Hazrat Umar *Radhiallahu Anhu* was named Asiyah (disobedient). Her name was changed to Jamilah by Rasulullah *Sallallahu Alayhi Wasallam*. Hazrat Zainab was the daughter of Hazrat Abu Salmah. Her name was Barrah which means chaste. When the Holy Prophet *Sallallahu Alayhi Wasallam* heard this name, remarked: "You parade your piety yourself." When asked about another name for her, he suggested the name Zainab.

#### AQIQAH

Aqiqah or the ceremony of shaving off the hair of the infant, should be celebrated preferably on the seventh day after

the birth. Two goats are to be sacrificed on behalf of a male and one goat on behalf of a female. Gold or silver equivalent to the weight of the hair should be distributed as alms. The Holy Prophet Sallallahu Alayhi Wasallam's Sunnah is that the Aqiqah should be performed on the seventh day; the name of this child is to be chosen on this very day, and the head shaven.

The prayer to be offered at the time of the Aqiqah is as follows:

اللَّهُمَّ هَذَا عَقِيقَةُ ..... تَقْبِلَةُ كَمَا تَقْبِلَهُ مِنْ حَبِّكَ مُحَمَّدٌ  
رَّحْمَنُكَ إِبْرَاهِيمُ ، دَمُهَا بِدَمِهِ وَلَحْمُهَا بِلَحْمِهِ وَشَعْرُهَا  
بِشَعْرِهِ وَعَظْمُهَا بِعَظْمِهِ ، اللَّهُمَّ تَقْبِلَهُ

"Oh Allah this is the Aqiqah of (name of the child to be recited), accept this as thou has accepted on behalf of Your loved one, Muhammed (Sallallahu Alayhi Wasallam) and Your friend Ibrahim (Alayhis Salaam). This offering of blood, is the ransom of the blood of the child; flesh is the ransom of the flesh of the child; the hair is the ransom for the hair of the child; and these bones are the ransom for the bones of the child. O Allah accept.

#### CIRCUMCISION OF THE MALE CHILD

Circumcision of the boys is preferable on the seventh day. If on account of some circumstances this is not possible; then it should be done before the boy attains the age of seven years. The circumcision is an Islamic Ibaadat.

#### KALIMAH, THE FIRST UTTERANCE

When the child begins to speak, he should be taught to speak the Kalimah Tayyabah that is:

لَا إِلَهَ إِلَّا اللَّهُ مُحَمَّدٌ رَّسُولُ اللَّهِ

(There is no god but Allah and Muhammed (Sallallahu Alayhi Wasallam) is the messenger of Allah).

Rasulullah Sallallahu Alayhi Wasallam has said: When your baby begins to talk teach it La-ilaha-illa-allah. When the milk teeth of the child have been shed off, command your child to offer prayers. (Ibne Sani)

It has been narrated in the Hadith that when any member of Rasulullah Sallallahu Alayhi Wasallam's family started talking, he used to teach him or her the second Ayah from Surah Furqan (chapter 25:2), wherein the basic Islamic principle of the Oneness of Allah has been succinctly narrated. It is as follows:

الَّذِي لَهُ مُلْكُ السَّمَاوَاتِ وَالْأَرْضِ وَلَمْ يَتَّخِذْ وَلَدًا ، وَلَمْ يَكُنْ لَهُ  
شَرِيكٌ فِي الْمُلْكِ وَخَلَقَ كُلَّ شَيْءٍ فَقَدَرَهُ تَقْدِيرًا

"He unto whom belongs the sovereignty of the heavens and the earth; He has chosen no son nor has He any partner in the sovereignty. He created every thing and has meted out for it a role".

#### SUCKLING OF THE CHILD

The child has a right to be fed on the mother's milk. It is this bounty of the mother for which the Quran reminds the child and exhorts him to treat his mother with exceptional love and kindness, in return for this service. It is the duty of the mother to inculcate into the child with each drop of her

milk the concept of the Oneness of Allah, love for Rasulullah *Sallallahu Alayhi Wasallam* and devotion for Islam. She should try that this love for and devotion to Islam should seep into the heart and soul of the child. Responsibility for bringing up the child ought not to be thrown upon the nurse to lighten your burden. The parents should bring up the child themselves and feel spiritual pleasure and happiness in having performed this pleasant religious duty.

#### **DO NOT FRIGHTEN THE CHILD**

Do not frighten the child. Once thrown into fright it is likely that this fear may persist in them even after their attaining adulthood. Such children are usually rendered incapable of achieving (a big) success in life.

#### **DO NOT REBUKE THE CHILD**

Note that children should not be chided on trivial matters. In the first place too much rebuking loses its effectiveness. In the second, it makes the child feel he is not loved. Therefore instead of chiding and rebuking the child on trivial matters and showing annoyance at their faults, one should try to encourage good deeds. But acts contrary to Shariat should not be tolerated.

#### **SHOW SYMPATHY AND CONSIDERATION TO THE CHILDREN**

Children should be treated with sympathy and consideration at all times, and their requirements should be satisfied as far as possible. This will not only make them happy, but will also develop sentiments of obedience and service in them. Once Hazrat Muawiyah *Radhiallahu Anhu* asked Hazrat Ahnaf Bin Qais *Radhiallahu Anhu* as to how the offspring should be treated. The companion of Rasulullah *Sallallahu Alayhi Wasallam* replied:

*"Leader of the faithful: our offspring are the fruits of our desires. They are props for our backs. We are from the earth which is soft and harmless; our existence for them is like the sky which provides them with shade (protection); and through them we are able to perform marvellous tasks. Thus if they ask you something give them generously and if and when they feel sad, try to enliven them. As a result of this they will develop love for you and appreciate your paternal affection. Never become an unbearable burden upon them, lest they become disgusted with you and even desire your demise and dislike your association."*

#### **SHOW OF AFFECTION**

Don't be always sour-faced, stern looking, a hard task master. Be affectionate towards your children, run your hand lovingly over their heads, take them in the lap and fondle them. An irate and grim attitude does not generate sincere love in their hearts for their parents, and retards their natural growth and development and destroys their self-confidence.

Once Hazrat Aqra Bin Habis *Radhiallahu Anhu* presented himself before Rasulullah *Sallallahu Alayhi Wasallam* who was kissing a child; Hazrat Aqra *Radhiallahu Anhu* was astonished to see this and said: "O Rasulullah *Sallallahu Alayhi Wasallam* You also cuddle children; I have ten children yet I have never shown any affection to them". Rasulullah *Sallallahu Alayhi Wasallam* looked at Hazrat Aqra *Radhiallahu Anhu* and said: "What can I do, if Allah has deprived you of love and compassion?"

Hazrat Aamir *Radhiallahu Anhu* held an important appointment during the caliphate of Hazrat Umar *Radhiallahu Anhu*. He saw that Hazrat Umar *Radhiallahu Anhu* was lying down and some children were riding on his chest and

some playing with him. Hazrat Aamir Radhiallahu Anhu was somewhat displeased to see this. Hazrat Umar Radhiallahu Anhu guessed from the wrinkles on his forehead and asked Hazrat Aamir Radhiallahu Anhu how he treated his own children. Aamir Radhiallahu Anhu explaining his views said: "Leader of the faithful, Whenever I enter the house the inmates get stunned and everybody is put to silence." Hazrat Umar Radhiallahu Anhu spoke with great regret, "Aamir, how unfortunate is it that even being a Muslim you do not know that you should treat your kith and kin with affection and kindness."

#### UPBRINGING OF CHILDREN

You should try your level best to provide your children with a decent and befitting education and dedicated discipline. No sacrifice should be spared in this regard. This is your religious duty and a great favour to the children and also good for you.

The Holy Quran says:

قُوَا اَنْفُسَكُمْ وَآهْلِنِكُمْ نَارًا

"Oh you who believe protect yourself and your family members from hell's fire"

Safety from the fire of hell lies only in knowing the basic principles of Islam, and living according to the commandments of Allah and in obedience to Rasulullah Sallallahu Alayhi Wasallam .

Rasulullah Sallallahu Alayhi Wasallam has said that the best legacy a father can leave for his offspring comprises of proper training and good education.

In reality a virtuous and well-behaved progeny can only advance your cultural traditions and religious principles after you and it is for this reason that a Muslim aspires and prays for well-mannered and pious children.

#### CHILDREN AND SALAAH:

When the children attain the age of seven years, they should be inducted to Salaah and taught how to perform Salaah. For this purpose they should be taken to the Masjid with the view to create a liking for Salaah. When they attain the age of ten they should be forced to pray and even punished, if they neglect to do so. It should be impressed upon them that this negligence will not be tolerated.

#### SEGREGATION OF CHILDREN

When the children attain the age of ten, they should be made to sleep in separate beds. Rasulullah Sallallahu Alayhi Wasallam has commented: "Ask your children to offer Salaah when they are seven years of age. Punish them for missing Salaah when they are ten and, allot separate beds for them at this age."

#### NEATNESS

Keep the children always neat and clean. Pay special attention towards their personal hygiene, cleanliness, bathing, ablution etc. They should wear neat and clean clothes, but should avoid pomposity and ostentatiousness. The dress for girls should be especially plain and unornamented. Expensive and gaudy clothes are likely to spoil the habits of the children.

#### CHILDREN TO BE ENCOURAGED

Never express disappointment on reforming and correcting your children, in front of them. On the contrary, applaud even minor good deeds done by them and be generous in

appreciation of any virtue found in them. They should be encouraged so as to build self-confidence and courage, so that they may achieve a high place in their lives. Relate religious stories and anecdotes of pious persons. You must tell your children stories of prophets and pious persons and the heroic deeds and sacrifices of the venerable Sahaba *Radhiyallahu Anhum*. This is essential for their education and training, character building and inculcating a love for Islam. This has to be done at all costs. Occasionally recite the Holy Quraan rhythmically before them; and relate incidents, anecdotes, teachings and traditions from the life of Rasulullah *Sallallahu Alayhi Wasallam*. This would instill an intense love for Rasulullah *Sallallahu Alayhi Wasallam* in them.

Cultivate the habit of giving and respecting others' rights. On some occasions distribute some food, money etc. to the poor through the children so that they may cultivate the habit of charity and sympathy for the poor.

Similarly, occasions should also be furnished to the children, for distributing eatables among themselves doing justice to one another by recognizing one another's rights and for developing mutual co-operation.

#### **DO NOT GRANT EACH AND EVERY DEMAND OF THE CHILDREN**

Do not concede to each and every demand of the children. Tactfully try to dissuade them from this practice. If necessary, use force in this regard and see that they do not become obstinate and self-willed by unnecessary cajoling.

#### **HOW TO TALK WITH CHILDREN**

Do not shout at your children, nor talk to them harshly. Likewise, tell them not to talk in this vain manner among

themselves. They should be told to talk in a sweet and mild tone.

#### **MAKE THE CHILDREN HARDWORKING**

Train your children to do their work themselves. They should not look to the servants to do their small chores. Dependence upon servants is likely to make them lazy and inactive. Make them hardworking, laborious and accustomed even to take up the most difficult of jobs.

#### **DO NOT SIDE WITH YOUR CHILDREN UNJUSTLY**

If there is fighting amongst children, you should not side with your children unfairly. You should watch whether your children are to be blamed; if so, then taking into consideration future mishaps, you should try to adopt preventive measures by finding out if it is the misbehaviour of your children which has caused the trouble and take appropriate measures to correct them.

#### **EQUAL TREATMENT OF CHILDREN**

You should treat all your children equally and avoid injustice and unfair attitude in this connection. However, if due to some natural causes you feel more inclined towards a particular child it may be an exception. But in matters of treatment, bestowal of gifts, and social matters, strict equality and fairplay should be maintained. Never be partial to a particular child, as this may be noted and felt by the other children. This may develop a rebellious attitude in your children and such sentiments constitute a great hindrance so the growth of the natural capabilities of the children and act as a deadly poison to the evolution of spiritual and ethical progress.

Once Hazrat Bashir *Radhiyallahu Anhu* the father of Hazrat Nu'man *Radhiyallahu Anhu* presented himself along with

Hazrat Nu'man before Rasulullah *Sallallahu Alayhi Wasallam*, and said: "O Rasul of Allah, I have a slave whom I have gifted to this son." Rasulullah *Sallallahu Alayhi Wasallam* asked: "Have you gifted to each of your sons a slave?" "No, O messenger of Allah," said Bashir *Radhiallahu Anhu*. Rasulullah *Sallallahu Alayhi Wasallam* said: "Then take back the slave, fear Allah and treat your sons equally. Hazrat Bashir *Radhiallahu Anhu* on his return took back the slave. According to another version Rasulullah *Sallallahu Alayhi Wasallam* said: "Do not make me a witness to a sin". "I shall not be a witness to an injustice". Still another version has it that Rasulullah *Sallallahu Alayhi Wasallam* said. "Do you desire that all your children should treat you well?" Hazrat Bashir said: "Why not? O Rasul of Allah". Rasulullah *Sallallahu Alayhi Wasallam* then said: "Then do not do such a thing."

#### **PARENTS TO SET A GOOD EXAMPLE**

You should set a good example in front of your children. Your life is a permanent and silent teacher for your children. They constantly learn and adopt from your life. Never speak a lie in front of them or even joke as a matter of expediency. Hazrat Abdullah Ameer *Radhiallahu Anhu* narrates that one day Rasulullah *Sallallahu Alayhi Wasallam* had graced the house of his father with his presence. His mother called Aameer *Radhiallahu Anhu* and said: "Come here; I shall give you something." Rasulullah *Sallallahu Alayhi Wasallam* heard her calling her son and asked her what she would give him. His mother said: "I wish to give him some dates." Rasulullah *Sallallahu Alayhi Wasallam* said: "Had you pretended to give him anything, it would have gone a lie on your account."

#### **DAUGHTER NOT INFERIOR TO SON**

The daughter is not to be regarded inferior to the son, nor

should he be given preference over her in any matter. Both should be loved and treated equally. Rasulullah *Sallallahu Alayhi Wasallam* said: "If any man has a daughter born to him and he does not bury her alive (as the pagan Arabs did) and he has neither treated her with contempt nor preferred his son over her, he would be granted entry into Jannat by Allah."

#### **BE METICULOUS IN GIVING SHARE TO GIRLS**

Be very careful and pleased to give the fixed share of the girl from your property. This is the share which has been prescribed by Allah, and no one has a right to increase or decrease her share. It is not befitting for a devoted Muslim to deprive the girl of her share on some excuse, or to give her something less than her due, according to his own calculations and feel satisfied.

#### **MAKE DUA FOR YOUR CHILDREN**

Parents should follow these practical guidelines and make Dua for their children from the depth of their heart. The most merciful Allah will certainly grant these heart-touching supplications of the parents.

#### **CHILDREN A MEANS OF TRIAL**

Rasulullah *Sallallahu Alayhi Wasallam* emphasized that one should keep one's love and affection for children within normal and reasonable limits and should not let it become a hindrance in the way of Allah's Dien. Children along with wealth are a means of test. The Quran mentions this concept in these words "O believer, do not betray Allah and His Messenger, nor violate your trusts knowingly and know that your worldly goods and children are a test for you, and Allah has plenty for giving you as a reward." Again in surah Taghabun, we read these words, "Your riches and

your children may be but a trial." These verses remind parents of the dangers involved in excessive love and attachment to their children to the extent that they sometimes find it difficult to maintain the standard of morality, goodness and justice demanded by their faith. It is therefore necessary for them to draw a line between the love of their children and the love for their ideology and the way of Allah.

### CHILDREN AND THE DIEN OF ALLAH

Parents must, under all circumstances, tread upon the path of Allah and never leave it for the sake of their children nor for anybody else. If they do, they will be losers and no one can help them in their misery and ruin. The Quran gives this warning in these words: "O you who believe let not your wealth and your children divert you from the remembrance of Allah. If any one does this, the loss is their own." Remembrance of Allah includes every act of service and goodness, every kind thought and kind deed, for this is the service in sacrifice which Allah requires from us.

It does happen in one's life that the wife and children become an obstruction in the way of Allah. In some cases their demands may conflict with a man's moral and spiritual convictions and duties. In such cases he must guard against the abandonment of his convictions, duties and ideals to their request and desires. But he must not treat them harshly. He must make reasonable provisions for them, and if they persist in opposing his clear duties and convictions, he must forgive them and not expose them to shame or ridicule, while at the same time holding on to his clear duties.

It is therefore essential for parents that they should keep their relationship with their family in moderation, and in love, and try to avoid extreme behaviour.

### CHILDREN'S DUTIES TO PARENTS

Duty towards parents is next to the duty to Allah. From this it can be well imagined what a tremendous stress Islam has laid on obedience to parents.

1. The most unfortunate man is he (according to Rasulullah *Sallallahu Alayhi Wasallam*) who does not enter Jannat though he has old parents at home.
2. Children in solvent cases are bound to maintain their poor parents.
3. Presents and gifts should always be given to them.
4. In case of a journey abroad, previous permission from parents must be obtained, no matter how religious the journey may be, because Rasulullah *Sallallahu Alayhi Wasallam* said: "The pleasure of Allah is the pleasure of the father, and the displeasure of Allah is the displeasure of the father."
5. If the parents wish the divorce of the wife of the son, he should comply.
6. After the death of their parents, the children have some duties towards them. viz. to make Dua for them, to seek forgiveness for their sins, to fulfil their promises after their death, to keep friendship with their friends even though they may not be connected to you. Give charity in the name of Allah for the deceased parents.

### SOME TANGIBLE BENEFITS:

In obeying parents some tangible benefits are derived in this world. Life may be prolonged as Rasulullah *Sallallahu Alayhi Wasallam* has said: "Nothing but obedience to

parents may prolong life". If parents are not obeyed, punishment comes on their sons in this world. Rasulullah *Sallallahu Alayhi Wasallam* said: "Verily He (Allah) hastens punishment for one who disobeys parents in his life before death." Death is made easy for one who obeys parents. Rasulullah *Sallallahu Alayhi Wasallam* said, "Whosoever has three things in him, Allah will make his death easy and will enter him into Jannat: mercy to the weak; kindness to parents and doing good to slaves.

### **NIFAAS (BLEEDING AFTER CHILDBIRTH)**

#### **Mas'ala 1**

Bleeding from the vagina after childbirth is called Nifaas. Its maximum period is forty days and if bleeding continues for more than 40 days the extra days are not regarded as nifaas but Istehaza. There is no minimum period for Nifaas. It may last for either one day or a little while or sometimes a woman may not even bleed a single drop after childbirth. It is, nevertheless, obligatory (Waajib) under any circumstances to have a bath after childbirth. She must bathe as soon as bleeding stops and if she did not bleed after childbirth, she must bathe as soon as the time of the next Salaat begins. If, during this time there is fear she may get sick by bathing or she just has not the strength to bathe, then she must make Tayammum with the intention of taking a bath and perform Salaat. However, she must still take a bath when she is fit if there is no fear of her falling sick.

**Note Well:** The general impression is that Nifaas is for 40 days only, whereas this is only the maximum period. Due to this wrong impression Salaat, etc is unfortunately neglected.

#### **Mas'ala 2**

The bleeding which commences after half or more of the infant has emerged in the process of birth, is called Nifaas. Salaat at this time is forgiven. But bleeding which occurs after less than half the infant has emerged, is Istehaza. Salaat at that particular time remains compulsory.

#### **Mas'ala 3**

A woman already had Nifaas previously and on the second occasion the bleeding pattern is different to her previous habit, e.g. she bled for less or more, e.g. thirty five days. All this is regarded as Nifaas. If on the second occasion, she bled for more than 40 days, then whatever extra days she bled beyond her habit is Istehaza e.g. the first time she bled for twenty five days and the second time she bled for more than 40 days, then after the fortieth day she should take a bath and begin performing Salaat while the fifteen days, which are more than her habit of twenty five days, are regarded as Istehaza. She must perform Qazaa Salaat for these fifteen days. Her bathing upon completion of the forty days makes her clean and whenever the bleeding stops after the forty days, it is not necessary to bathe because it is Istehaza.

#### **Mas'ala 4**

According to Imam Abu Hanifa *Rahmatullah Alayhi* In the case of the birth of twins the bleeding which takes place after the first child is born, is regarded as Nifaas. (If the second is born within six lunar months of the first then they would be regarded as twins)

#### **Mas'ala 5**

If she notices blood at any time within forty days after it had stopped for any length of time within these forty days, then that whole period is regarded as Nifaas and one con-

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tinuous flow of bleeding e.g. bleeding continued for twenty days and then stopped for fifteen days and again appeared for two days, all of it is regarded as Nifaas. She should, however, have a bath and start Salaat when bleeding stops after twenty days. If however, bleeding appears again within forty days she should stop performing Salaat and when bleeding stops again, she should take a bath and perform Salaat.

#### **Mas'ala 6**

If a woman experiences Nifaas for the first time and it continues for a long period, then the first forty days are regarded as Nifaas. She should in any case after 40 days take a bath and start performing Salaat.

#### **Mas'ala 7**

After Nifaas ends, there should be a minimum gap of fifteen pure days; any subsequent bleeding is regarded as menstruation i.e. any further bleeding can only be regarded as menstruation if she remains pure after fifteen days after the Nifaas has stopped. If bleeding starts again within fifteen days, then it is not Haiz but Istehaaza. Any bleeding within forty days is Nifaas even if it may be after a gap of fifteen days e.g. if she bleeds for a day and then again she bleeds after thirty days then too all these days are of Nifaas.

#### **BIRTH BY CAESAREAN SECTION**

If a baby is born by caesarean operation, then only the blood that flows from the vagina will be regarded as Nifaas.

The blood that flows from the area where the surgery is performed is not Nifaas. If no blood at all flows from the vagina then she should immediately take a bath and start performing Salaat. If she is unable to take a bath because

of valid reasons according to the Shariat, then she should make Tayammum and start performing Salaat.

#### **WHAT SHOULD BE DONE WITH THE AFTERBIRTH**

##### **Mas'ala 1**

The amniotic sac, placenta (after birth), pads etc. should be buried. It is not permissible to throw it in the waste etc. or have it incinerated (burnt, cremated).

##### **Mas'ala 2**

In case of miscarriage if any part of the foetus has already formed such as hands, legs or fingers etc, then the same laws that apply to a still born will apply to it. It is under no circumstances, permissible to incinerate it. It should be wrapped in a cloth and buried.

**Note Well:** By the end of the fourth month, normally some part or other is usually formed already. Whereas a foetus is incinerated in hospitals, even if the miscarriage takes place at seven months, this is not permissible.

##### **Mas'ala 3**

A still born should be named wrapped and buried.

**Note Well:** The amniotic sac, placenta etc. are given on request in instances of birth given in nursing homes, clinics and private homes. In cases where birth is given in hospitals a strong request should be made to have these parts returned.

##### **Mas'ala 4**

If some form or shape of achila (finger, nail, hair etc) has already been formed, then the bleeding that follows miscarriage is regarded as Nifaas and laws concerning Nifaas will now become applicable to the woman. A bath will become

compulsory when bleeding stops and until then, Salaat, Saum, Tilawat of the Quraan and sexual intercourse are forbidden.

### DIVORCE

Divorce in the Islamic Shariat is separation between wife and husband. He is absolutely free in this use of his right and no authority has any power to take it away from him unless he is unjust and aggressive in the use of this right against his wife.

However this is not abhorred by the Shariat. Rasulullah *Sallallahu Alayhi Wasallam* said: "Divorce is the most hateful of all the lawful things in the sight of Allah". He also said: "If any woman asks her husband for a divorce without any strong reason (even) the smell of paradise will be forbidden to her."

Although absolute right of divorce has been granted to man, he should only use this right as a last resort. The Quran enjoins him to keep his wife even if he does not like her.

### REASONS FOR DIVORCE

Analogy seems to suggest that every defect that creates hatred in one party against the other and destroys all natural feelings of mercy, kindness and love (the very object of marriage), should give one the right to separate from the other.

Here it may be pointed out that Islam teaches great respect for marriage and insists that the parties keep this relationship alive, in very difficult situations as well. Though it gives them the right to separate when it becomes physically impossible to live together, it tries all the time to keep

them together in the ties of marriage up to the last moment. In fact, marriage is not the sort of thing to throw away and contract another marriage whenever one likes.

### SOME PRELIMINARY STEPS

In the event of disputes between the parties the Quran has specified certain preliminary steps which are directed towards the settlement of these disputes and the maintenance of the marriage relationship. This is so because stable family relations are considered as a cornerstone of a healthy society.

1. The Quran states, "As for those women whose defiance you have cause to fear, admonish them and keep them apart from your bed and hit them, (lightly). Then if they submit to you, do not look for excuses to punish them." According to this verse, man has been given power and the right to accord punishment to his wife, but only when she takes the attitude of defiance and disobedience, and even in that case two forms of punishment have been fixed. The first, keeping them from your beds, and the second, light hitting which is lawful only in extreme cases of defiance. It would be considered aggression to punish without defiance or give excessive punishment to a lower degree of defiance or exceed the punishment suggested by the words of Rasulullah *Sallallahu Alayhi Wasallam*, i.e. Ghair Mubarriah (i.e. punishment which is not violent and does not leave any permanent marks).
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This is a suggestion to settle a husband and a wife's disputes outside the court through mediation by appointing one arbiter for each party with their consent from among their relatives. The wisdom of appointing arbitrators belonging to the families of the parties is that the dispute is confined to the family and not given publicity.

The responsibility of honouring the lawful relationship does not fall only on the individual but society is also made responsible for it.

Where all efforts of reconciliation fail and there is no prospect of reconciliation, then in such an event the husband may exercise his right of divorce as a last resort and by way of necessity.

#### PROCEDURE OF DIVORCE

The right procedure for pronouncing divorce and at the same time giving sufficient time and opportunity to the two parties to seek reconciliation and avoid any hasty action, as laid down in the Quran and the Sunnah is as follows:

1. Rasulullah *Sallallahu Alayhi Wasallam* explained the procedure of divorce in very clear words: "If and when it becomes inevitable, it should be pronounced (i.e. "I divorce you" or "You are divorced") only when she is not in her menses (i.e. in a period of purity in which sexual intercourse has not taken place). After such pronouncement the wife must be allowed to complete three menstrual periods (in the case of menstruating women).

This is the best way of divorcing one's wife, and in this way the husband is entitled to retake the wife in the

sense of resuming normal conjugal relationship before the expiring of the "iddat". This retaking becomes attached to the original Nikah.

Upon the expiry of the "iddat" the wife is free to marry a husband of her choice or remarry her previous husband.

2. The second form is whereby the husband pronounces ("I divorce you" or "you are divorced") in her prescribed periods (i.e. in her state of purity in which no sexual relationship took place). Then he should wait for the next monthly course to pass and pronounce the divorce when she is in her state of purity in which no sexual union took place. Then he should wait for the next monthly course to pass and pronounce the third divorce in her state of purity in which no sexual relationship took place. This is a second way of pronouncing a divorce which is known as a "Talaq Sunan". The term Sunnah is not that reward will be received but because the act of giving three divorces in three separate stages of purity is permissible. (i.e. there will be no punishment for the adoption of this procedure).

If a dispute arises during the monthly period it is not permissible to pronounce the divorce during that condition. However if it is pronounced during such a time it will take effect. It is obligatory in such a case to take her back and divorce her in a state of purity, or retain her in the second form. It is, however, better to wait and reconsider the matter after the first and second pronouncement, for the husband retains the rights to take her back as his wife after expiry of two pronouncements.

After the third divorce, the husband forfeits the right to take her back nor can the couple remarry, unless she first gets married to someone else who, after having sexual relations with her, divorces her. Thereafter, she spends her Iddat necessitated by that husband's divorce and then only is she permitted to be remarried to her first husband.

3. As for those ignorant people who pronounce divorce three times at once at the same sitting, they commit a heinous sin against the law. Rasulullah Sallallahu Alayhi Wasallam has severely denounced this practice. Hazrat Umar Radhiallahu Anhu used to whip the husband who pronounced divorce thrice at one and the same sitting. Such a pronouncement is illegal and prohibited and the utterer will be a sinner. However the illegality of such an action will not bar the consequences of such actions coming into operation.

Three divorces whether intentionally uttered or merely by way of repetition would be deemed as three. This was the ruling Hazrat Umar Radhiallahu Anhu made. The Sahabah Radhiallahu Anhum did not object to this judgement and it was held to be in accordance with the Qur'an and Sunnah. This is the consensus of the overwhelming majority of the Jurists including the founders of the Hanafi, Shafi, Maliki and Hanbali schools of thought.

It is preferable that the pronouncement referred to be evidenced by two witnesses so as to avoid any disputes.

The purpose that divorce be given in a state of purity is so that the doors of reconciliation remain open and that the marital relationship be resumed.

In the state of menstruation women generally become irritable and depressed. There are such physical developments in her body during this period that they say and do things which they would not do in their normal state. Again during this period there is no physical relationship between the husband and the wife which is normally an important expression of their mutual interest and love. Therefore it is not surprising if any dispute arises between them during this period. It can be hoped that when this obstacle is removed, their fine and close feelings of love may bring them together again and that the hatred which has made the husband temporarily inclined towards divorce may cool down.

Of these conditions and obstacles in the way of divorce, the hardest of them all was that once a husband had pronounced three divorces, he could not remarry the same wife unless she married another man who had sexual intercourse with her and then divorced her of his own accord. In this respect, any marriages pre-arranged after divorce to make remarriage with the first husband possible, will be abominable (Makrooh). However, if the second husband marries and divorces her in a proper way of his own accord, and the first husband thinks that now they can remain happy together and maintain the limits of Allah, they are permitted to remarry after the wife has passed her prescribed time of waiting (Iddat).

#### KINAYAH-DIVORCE BY "IMPLICATION"

An expression or words may be used in two senses.

1. They may have been used to mean divorce
2. They may have been used to mean a meaning other than divorce.

After the third divorce, the husband forfeits the right to take her back nor can the couple remarry, unless she first gets married to someone else who, after having sexual relations with her, divorces her. Thereafter, she spends her Iddat necessitated by that husband's divorce and then only is she permitted to be remarried to her first husband.

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1. They may have been used to mean divorce
2. They may have been used to mean a meaning other than divorce.

Such words or expressions are said to be kinayah-for example a husband may say to his wife "you are separated".

This may mean:

1. Separation from the marriage contracted or
2. Separation from any other thing besides the marriage bond.

Because such expressions or words have two meanings, the husband must be asked to make his intention clear. If the husband intends to pronounce divorce such a divorce will take place and if he intends a meaning other than divorce no divorce will take place.

In the instance where divorce is meant the wife will be separated from the husband and he will not have the right to take her back before her Iddat expires, unless he has the marriage contract newly re-instated. After her Iddat she will be free to marry according to her own choice or remarry the previous husband. In such instances discussing circumstances (subject matter) at the time of expressing such words can also deduce the intention of the husband.

#### **FACTORS WHICH IRREVOCABLY SEVER THE NIKAH BOND.**

The masaail of Talaaq have been dealt with extensively in a previous chapter. Besides Talaaq, some other factors too nullify the Nikah. However, unlike Talaaq, these factors are such that occurrence irrevocably severs the Nikah bond and the husband and wife can never marry each other again. Hence, considering the severity of the ruling every effort must be made to prevent such a situation. Hereunder follows a discussion of these factors.

1. If the husband has intercourse with his mother-in-law, his wife's grandmother etc. however high, his wife's daughter (whether from him or a previous husband), granddaughter etc. however low, his wife becomes haraam on him forever and they can never be united again.
2. The same ruling applies if the husband did not have intercourse but merely TOUCHED the above mentioned persons WITH LUST.
3. The Nikah is also completely annulled if the wife touches her father-in-law, her husband's grandfather etc. however high, her husband's son (from her or another wife), grandson etc. however low.
4. In the case of touching the Nikah will only be severed if there was direct body contact or such a thin cloth remained between them that the warmth of the body could be felt through this cloth. However if the cloth was so thick that the warmth of the body could not be felt through it, the Nikah will remain valid.
5. It is not necessary that both must experience lust. The Nikah will break if any one experienced lust.
6. The Fuqaha (Jurists) have defined lust in the following manner;
  - a. The male must experience erection at the time of touching if he had no erection prior to touching.
  - b. If he had erection prior to touching, the erection must increase.
  - c. The female must experience a desire for the opposite person in her heart at the time of touching, if she had not been desiring him prior to this.

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If any of the above does not take place the Nikah will not be nullified.

7. The above masaail (laws) only apply in the case of Baaligh (mature) persons. If either one has not attained puberty the Nikah will not be invalidated even though the touching took place with lust. However, a Murshik (one who is nearing the age of puberty) will fall in the category of a Baaligh.

#### NO AGGRESSION ON WOMAN

The Quran says: "But do not take them back to injure them" and if there is an intention of taking the wife back the Quran says: "Retain her in fairness and without (hurt) to her or release her kindly".

These verses caution the husband against retaining his wife merely to injure her and deprive her of her rights. If he wants to take her back, it must be on equitable and just terms, and if there is no hope for this, but a fear of deprivation of her rights and interests, then she must be set free on equitable terms. In Islam there is nothing harmful, nor does it allow any one to be harmed.

The retaining should preferably occur in the presence of two witnesses. The wisdom in this is that neither party may deny that retaining has been affected and that the husband may not falsely claim after the Iddat that he exercised his right of retaining merely to cause hardship to the wife.

#### OPPRESSED WIFE

Islam has given the right to divorce to the husband, who must exercise this right only in the case of necessity and subject to certain conditions.

The wife has not been accorded the right in order to prevent divorce from being a tool of impulse since women are more prone to act impulsively and on the spur of the moment. However this does not mean that a woman must undergo all kinds of afflictions and torments without recourse to legal rights. The wife is entitled to petition an Islamic court or in its absence, a duly constituted committee of Ulama and demand that the marriage be dissolved by proving her complaints.

As to the separation which has been referred to above which provides women with practical ways to let her marriage be dissolved, freeing herself of the obligations thereof, there are two ways to secure it:

1. The woman may secure the right to divorce her husband when entering into the marriage contract with him. The Islamic court explicitly allows it although few women do ever exercise it.
2. The husband may validly transfer his right of divorce to his wife who may exercise it under conditions specified in a written contract. An example in this regard is as follows: "The husband hereby transfers his right of divorce to his wife, who may exercise it in the following circumstances:
  - a. Where the husband is guilty of misconduct whether in the form of beating, assault or persistent abuse, which renders living with him intolerable.

- b. Where the husband maliciously deserts his wife and refuses to return to her.
- c. Where the husband sues for a decree of divorce in a South African court in terms of South African law and/or obtains a decree of divorce from such a court.
- d. Where the marriage between the parties has irretrievably broken down and there is no prospect of reconciliation.
- e. Where the husband refuses to maintain his wife or afford her the marital privileges.

In the above case the husband is unable to retake his wife without remarriage and upon expiry of her Iddat the wife is free to conclude a marriage of her choice.

- B. The second course open to the wife is to secure a divorce along with her dowries or a amount agreed upon by both of them. The court or a duly constituted committee of Ulama shall dissolve the marriage contract if it is convinced of the legitimacy of her claims.

These are the weapons which a woman may resort to if the situation calls for it. They perfectly balance the authority man enjoys over her.

#### **IDDAT**

The period of waiting for a divorced wife is three menstrual periods, according to Imam Abu Hanifa *Rahmatullah Alayhi*. According to Imam Shafi *Rahmatullah Alayhi* the period is three periods of purity (i.e. the woman must have passed through three periods of menstruation and attained

the state of purity). In the opinion of Imam Abu Hanifa *Rahmatullah Alayhi* as Iddat begins with menstruation the husband should not have intercourse with his wife during that "Tuhr" (period of purity). When he has made up his mind to divorce her he should announce the divorce at the end of the tuhr before the beginning of menstruation.

If the husband has intercourse with her in the period of Tuhr and she becomes pregnant, or divorce was announced during a state of pregnancy, then the period of waiting will be extended to the time of childbirth, thus avoiding trouble to the woman.

As has been mentioned, the husband has the right to restore his marriage relationship before the third announcement of divorce, but after its pronouncement, when the period of waiting has started, he forfeits his right to take her back. The Hanafi jurists are of the opinion that the husband retains the right of re-union upto the time of purification of the wife by a bath after the third monthly course. The Shafi and Maliki jurists are of the opinion that the husband forfeits the right of re-union as soon as the wife has a discharge of the third monthly course. It must, however, be clearly understood that the husband retains the right of re-union only in that case when he has pronounced divorce once or twice, but he forfeits the right of re-union when he pronounces three divorces.

The above laws are for those women who experience menstruation. Those women who have not reached the age of puberty or who have passed the age of monthly courses shall wait for a period of three months.

In the case of a pregnant woman, her period shall be until the delivery.

## WHERE SHOULD THE WIFE PASS HER IDDAT

The Quran enjoins on the husbands: "Turn them not out of their homes." This injunction clearly shows that as long as they are legal husband and wife, the wife has a lawful right to live in their own house and the husband should not force her out. This is a moral and legal duty till they are legally separated, and this right is not terminated by the pronouncement of divorce. A woman enjoys the right to live in the house till the expiry of the waiting period and it will be clear aggression on the part of the husband if he turns her out before the expiry of the period. However if she is guilty of any open lewdness, he has the right to send her away even before the expiry of the term of waiting.

When the waiting period is coming to an end, both the parties are again advised to think again, settle their differences and forget their complaints and anger because soon the time limit will pass and they will have no chance to compromise.

At the end of the waiting period whether the husband decides "to take her back" or "leave her", in both cases they should arrange for two witnesses. These witnesses must be men of integrity and good character. This is for the protection of the interests of both parties.

## BIBLIOGRAPHY

1. Sahih Bukhari	Imaam Bukhari
2. Sunan Abu Dawood	Imaam Abu Dawood
3. Sunan Ibn Majah	Imaam Ibn Majah
4. Ihya Uloomu-Iddin	Imaam Ghazali
5. Tafseer Ahkamul Quran	Imaam Abu Bakr Jasad
6. Tafsir Mazhari	Qazi Thanaullah Panj Patti
7. Tafsir Ibn Kathir	Ibne Kathir
8. Tafsir Mariful Quran	Moulana Mufti Shafi
9. Ma'arifus Sunan	Moulana Yousuf Binnoori
10. Tuhfatun Nikah	Moulana Ibrahim Palanpuri
11. Al Hadiyato Linnisaah	Moulana Ibrahim Palanpuri
12. Ma'ariful Hadith	Moulana Manzoor Nomani
13. Al Halal Wal Haraam	Abdurrahman Shad
14. Seerah of Mohammed	Moulana Afzal Ur Rahman
15. I am a Muslim	Islamic Publications Bureau.
16. Tib Nabawie	Moulana E. Adam

## NOTES

عَنْ إِبْنِ عَبَّاسٍ رَضِيَ اللَّهُ عَنْهُ قَالَ قَالَ رَسُولُ اللَّهِ ﷺ  
لَمْ تَرِ لِلْمُتَحَابَيْنِ مِثْلَ النِّكَاحِ (ابن ماجة)

It is related from Hazrat Ibn Abbas Radhiyallahu Anhu that Rasulullah Salallahu Alayhi Wasallam said: "For two mutual lovers, you will find nothing like marriage."

عَنْ أَنَسِ رَضِيَ اللَّهُ عَنْهُ قَالَ قَالَ رَسُولُ اللَّهِ ﷺ إِذَا  
ئَرَوْجَ الْعَبْدَ فَقَدْ إِسْتَكْمَلَ نِصْفَ الدِّينِ فَلْيَتَقِّيَ اللَّهُ فِي  
نِصْفِ الْأَبْاقِيِّ (البيهقي)

It is reported from Hazrat Anas Radhiyallahu Anhu that Rasulullah Salallahu Alayhi Wasallam said: "When a man has married, he has indeed made his religion half perfect. Then let him fear Allah for the remaining half."

